



CRM-M-46164-2025

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**219 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-46164-2025

Date of Decision: 22.12.2025

Rachhpal Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Laghuinder Singh Sekhon, Advocate and
Ms. Shefali, Advocate, for the petitioner.
Mr. Raj Karan Singh, AAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for grant of regular bail to the petitioner in a case FIR No.20 dated 11.03.2024, registered under Sections 22 and 29 of NDPS Act, 1985, at Police Station Dirba, District Sangrur.
2. Succinctly, facts of the case are that on 11.03.2024, the police party while on patrolling when reached near brick klin in the limits of village Safipur Kalan, they saw a person walking on kaccha road who was carrying a heavy white coloured plastic bag. On seeing the police, he got perplexed and threw the bag being carried by him. However, he was apprehended by the police party. On asking, he disclosed his name to be Rachpal Singh @ Gol (petitioner). He was suspected to be carrying some contraband in the bag thrown by him and thus, search of the bag was conducted. On conducting search of the same, 4800 Alprazolam tablets were recovered. He failed to produced any licence regarding the possession of the same, and thus, on registration of the FIR, he was arrested on the spot. The investigation commenced. Samples taken were sent to the FSL. On receipt of



the FSL report, the contraband was found to be weighing 633.6 grams of Alprazolam. On completion of the investigation, challan was presented and on framing of charges, the trial commenced. The petitioner approached the Court of learned Judge, Special Court, Sangrur praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 11.08.2025. Hence, the petitioner has approached this Court praying for grant of regular bail by way of filing the present petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case. He submits that the alleged recovery has been effected from a public place, however, no independent witness has been joined and there is violation of Section 50 of the NDPS Act. He submits that the petitioner has completed incarceration of about 01 year and 05 months. He submits that though the petitioner is involved in one more case, however, he is on bail in the same. He, thus, submits that the petitioner deserves to be granted bail.

4. *Per contra*, learned State counsel has vehemently controverted the submissions made by counsel for the petitioner. It is submitted that recovered contraband from the petitioner falls under the commercial quantity and thus, provisions of Section 37 of the NDPS Act are attracted in the present case. On instructions, he has submitted that out of total 17 prosecution witnesses, three witnesses have been examined till date. He has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner was arrested on 11.03.2024 in the present



case. As submitted before this Court, three witnesses have been examined out of 17 prosecution witnesses. The custody certificate would show that the petitioner has suffered incarceration of 01 year, 09 months & 05 days as on 21.12.2025. It further shows that the petitioner is facing prosecution in one more case, however, he is on bail in the same.

6. As held by the Hon'ble Supreme Court in ***Mohd Muslim @ Hussain Vs. State (NCT of Delhi), 2023 LiveLaw(SC)260***, this Court is of the opinion that the case of the petitioner is covered by the ratio of law laid down by the Hon'ble Supreme Court. In the abovesaid case Hon'ble Supreme Court expressed its views as under:-

19. A plain and literal interpretation of the conditions under Section 37 (i.e., that Court should be satisfied that the accused is not guilty and would not commit any offence) would effectively exclude grant of bail altogether, resulting in punitive detention and unsanctioned preventive detention as well. Therefore, the only manner in which such special conditions as enacted under Section 37 can be considered within constitutional parameters is where the court is reasonably satisfied on a prima facie look at the material on record (whenever the bail application is made) that the accused is not guilty. Any other interpretation, would result in complete denial of the bail to a person accused of offences such as those enacted under Section 37 of the NDPS Act.

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21it would be important to reflect that laws which impose stringent conditions for grant of bail, may be necessary in public interest; yet, if trials are not concluded in time, the injustice wrecked on the individual is immeasurable.

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23. There is a further danger of the prisoner turning to crime, "as crime not only turns admirable, but the more professional the crime, more honour is paid to the criminal"²² (also see Donald



Clemmer's 'The Prison Community' published in 1940²³). Incarceration has further deleterious effects - where the accused belongs to the weakest economic strata: immediate loss of livelihood, and in several cases, scattering of families as well as loss of family bonds and alienation from society. The courts therefore, have to be sensitive to these aspects (because in the event of an acquittal, the loss to the accused is irreparable), and ensure that trials – especially in cases, where special laws enact stringent provisions, are taken up and concluded speedily.'

7. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

8. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

9. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

22.12.2025

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Whether Speaking/Reasoned :
Whether Reportable :

(RAJESH BHARDWAJ)
JUDGE

Yes/No
Yes/No