

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

2025:PHHC:119499



(252)

CRM-M-48020-2025

Date of Decision: 03.09.2025

Laddi

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. M.S. Bindra, Legal Aid Counsel for
petitioner (through V.C.).

Mr. Raj Karan Singh, AAG, Punjab.

RAJESH BHARDWAJ.J (Oral)

1. Present first petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.210, dated 19.12.2023, under Sections 22 and 29 of NDPS Act, registered at Police Station Garshankar, District Hoshiarpur.

2. Succinctly, the facts of the present case are that Police party was on routine patrolling on 19.12.2023 on the canal bridge. When they reached from Garshankar to Nawanshahar Road at about 5.00 PM, they saw one Hindu Gentleman on *katcha* path holding an envelope and on seeing the police party he got perplexed and tried to turn back, however, he was apprehended and on asking he told his name as Laddi son of Satpal i.e. present petitioner. He was suspected to be carrying some contraband in the envelope and thus the search was conducted. On conducting the search, 12 intoxicant injections without label were recovered from the petitioner. He failed to produce license regarding the conscious possession of the

injections. Thus, the FIR in question was registered against the petitioner and he was arrested on the spot. The samples of the recovered contraband were sent to FSL for examination and petitioner was granted interim bail vide order dated 13.03.2024 to await the report of FSL. On receiving the report of FSL the samples were found to be having salt of Buprenorphine Hydrochloride. The challan was presented and petitioner was again arrested on 16.08.2024. The petitioner, though, did not approach the learned Special Court, however, had filed this petition through legal aid for the grant of regular bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in this case. He submits that the alleged recovery has been effected from a public place, however, no independent witness was associated. It is further submitted that there is violation of provisions of Section 15 of NDPS Act in the present case in conducting search of the petitioner. Counsel submits that, as per report of FSL, the alleged recovery contained 23.929 grams of Buprenorphine Hydrochloride, whereas the commercial quantity is above 20 grams. He, thus, submits that the alleged recovery is marginally above the commercial quantity. It is submitted that though petitioner is involved in two other criminal cases, however, he is on bail in those cases. Counsel submits that petitioner is behind bars for more than 2 years, however, there is no material progress in the trial and thus petitioner deserves the concession of bail.

4. Learned State Counsel has vehemently opposed the submissions made by learned counsel for the petitioner. He submits that 12 intoxicant injections were recovered from the petitioner and as per the FSL report the recovered quantity of contraband is 23.929 grams of

Buprenorphine Hydrochloride, which is commercial in nature and thus attracts provisions of Section 37 of NDPS Act. He has produced the custody certificate of the petitioner, which is taken on record.

5. After hearing learned counsel for the parties, it is deciphered that petitioner is behind bars since 16.08.2024. The recovered contraband i.e. 23.929 grams of Buprenorphine Hydrochloride is marginally above the commercial quantity which is 20 grams in the present case. The custody certificate would show that the petitioner has suffered incarceration for the last 1 year, 03 months and 11 days as on 02.09.2025. Though, petitioner is involved in two other cases, however, he has been granted bail in those cases.

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 above said 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 condions for grant of bail, may be necessary in public interest; yet, if trials are not concluded in me, the injusce 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). Incarceraon has further deleterious effects - where the accused belongs to the weakest economic strata: immediate loss of livelihood, and in several cases, sca8ering of families as well as loss of family bonds and alienaon from society. The courts therefore, have to be sensitive to these aspects (because in the event of an acqui8al, 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 commencing 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.

03.09.2025
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(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No