



CRM-M-48978-2025

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

CRM-M-48978-2025

Date of decision : 08.09.2025

Lali Singh**....Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. K.S. Sidhu, Advocate with
Ms. Kirandeep Kaur, Advocate for the petitioner.

Ms. Simran Gorla, A.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed for grant of regular bail in case FIR No.255 dated 15.06.2025, under Sections 21, 22 & 29 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station City Barnala, District Barnala.
2. Succinctly the facts of the case are that the Police party while on patrolling received a secret information to the effect that Karamjeet Singh @ Karma and Jeeto @ Dadi were involved in selling intoxicant vials and tablets. It was informed that Karamjeet Singh @ Karma had procured the intoxicant vials along with intoxicant tablets in huge quantity and kept in the house of Jeeto @ Dadi and if the raid is conducted in the house of Jeeto @ Dadi, a huge quantity of contraband could be recovered. On receiving the secret information, raiding party was constituted and house of Jeeto @ Dadi was raided. On conducting the search, 3800 tablets labelled Carisoma, 84 bottles of intoxicant syrup labelled Onerex and 180 bottles of intoxicant syrup labelled Wincerex, were recovered. They failed to produce any license regarding possession of the same and hence, the



FIR was registered and the samples taken were sent to FSL. On receipt of FSL report, the recovered contraband was found to be containing 'Codeine Phosphate'. As per FSL report, the total codeine contained in the contraband was 26.4 kgs. During investigation, on the disclosure statement of the co-accused, complicity of the petitioner was surfaced and thus, he was also arrayed as an accused in the present case. The petitioner was already behind bars in another FIR i.e. FIR No.185 dated 11.05.2025, thus, he was implicated in the present case on the basis of production warrants and thus, he was arrested on 25.06.2025 and since then he is behind bars. The petitioner approached the Learned Additional Sessions Judge, Barnala praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Additional Sessions Judge, Barnala vide order dated 19.08.2025. Aggrieved by the same, the petitioner is before this Court by way of filing of present petition for grant of bail.

3. Learned counsel for the petitioner has contended that neither the petitioner was named in the secret information nor any recovery has been effected from him. However, admittedly the petitioner was already behind bars and he was arrayed as an accused in the present case only on the basis of disclosure statement of the co-accused for the offence under Section 29 of NDPS Act. It is submitted that except the disclosure statement of the co-accused, there is no other evidence regarding the complicity of the petitioner in the present case. He submits that though the petitioner is involved in various other cases, however, he is on bail in all those cases. It has been vehemently contended that in other cases also, the petitioner has been falsely implicated on the basis of disclosure statements, which is not even an admissible evidence. He thus, submits



that in the facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has vehemently opposed the submissions made by the counsel for the petitioner and submits that the total weight of the contraband recovered from the co-accused was 26.4 Kgs of Codeine which is a heavy commercial quantity and thus, provisions of Section 37 of NDPS Act, are attracted in the present case. She submits that the petitioner is a habitual offender who is involved in other various cases of the similar nature, however, she submits that the case is under investigation and the complicity of the petitioner was surfaced during investigation and he was arrayed as an accused on the basis of disclosure statement. She has produced the custody certificate of the petitioner on record.

5. After hearing counsel for the parties and perusing the record, it is discernible from the facts and circumstances of the case that the petitioner was admittedly behind bars when the recovery of the contraband was effected from the co-accused. The petitioner has been arrayed as an accused on the basis of disclosures statement of the co-accused. He has been arrested in the present case by seeking his production warrants. As submitted before this Court, the case is under investigation.

6. In view of the facts and circumstances of the present case, this Court cannot ignore the fact that the speedy trial is the fundamental right of every accused. 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.

20. xxxxx

21.it 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.

22. xxxxx

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 conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, 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. 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. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

8. In case the bail bonds are not furnished by the petitioner during the period of 07 days from today, then his further custody period after one week will not be counted in the present case.

(RAJESH BHARDWAJ)
JUDGE

08.09.2025
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No