



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

CRM-M-49850-2025

Date of decision : 22.12.2025

Prasant Dixit

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Manjinder Singh Saini, Advocate for the petitioner.

Mr. Raj Karan Singh, A.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Petitioner has approached this Court by way of present fourth petition praying for granting them regular bail in case FIR No.288 dated 21.09.2024, under Sections 22, 29, 61, 85 of NDPS Act, registered at Police Station City Hoshiarpur, Punjab.

2. Succinctly, facts of the case are that on 21.09.2024, the police party received a secret information to the effect that Ajay Walia son of Varinder Walia is involved in selling intoxicating tablets. It was informed that in case of raid, he could be arrested alongwith the contraband. On receiving the secret information, a raiding team was constituted and raid was conducted in the shop of Ajay Walia. On conducting the search, the police recovered 2400 capsules of Proxyco-Spas, 5000 tablets of Tramadol, 12000 tablets of Alprazolam alongwith Rs.5 lacs as drug money. He failed to produce the licence regarding the possession of the same and thus, he was arrested on the spot. On the registration of the FIR, the investigation commenced. During the investigation, complicity of the petitioner surfaced in the present case and thus, the petitioner was arrayed as an accused and resultantly, arrested on 11.10.2024. On the completion of the investigation, the Investigation Agency filed the challan and on



framing the charges, the trial commenced. The petitioner approached the Court of learned Judge Special Court, Hoshiarpur 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 07.11.2024. The petitioner earlier approached this Court thrice praying for grant of regular bail by way of filing CRM-M-57137-2024, CRM-M-7531-2025 and CRM-M-11501-2025, however, the same were declined vide orders dated 21.11.2024, 17.02.2025 and 06.03.2025, respectively. Hence, the petitioner is before this Court praying for grant of regular bail by way of filing the present fourth petition.

3. Learned counsel for the petitioner, at the outset, prays for the grant of bail on the basis of parity with that of the co-accused. He has drawn the attention of this Court to the order dated 11.08.2025, passed by this Court in **CRM-M-36707-2025**, whereby co-accused of the petitioner, namely, Chaindeep Singh, has been granted the concession of bail. He submits that on the basis of the parity, petitioner deserves to be granted bail as case of the petitioner is at par with that of the co-accused, who has already been granted bail.

4. Learned State counsel, on instructions from ASI Amarjeet, has opposed the submissions made by the counsel for the petitioner. He endorsed the fact that case of the petitioner is at par with co-accused, namely, Chaindeep Singh, who has already been granted bail by this Court. He has produced the custody certificate of the petitioner today in the Court and the same is taken on record.

5. After hearing counsel for the parties and perusing the record, it is inferred that the petitioner has been named in the present case on the basis of disclosure statement made by co-accused. Custody certificate of

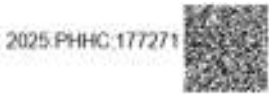


the petitioner would show that the petitioner has suffered incarceration of 01 year, 02 month & 06 days as on 19.12.2025. It further reveals that the petitioner has no criminal antecedents. The recovery effected in the present case falls under the commercial quantity. Admittedly, co-accused of the petitioner, namely, Chaindeep Singh, has already been granted bail by this Court vide order dated 11.08.2025 passed in **CRM-M-36707-2025**.

6. 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.

7. 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.

8. 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 on the basis of partiy. Accordingly, present petition is allowed and 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.

(RAJESH BHARDWAJ)
JUDGE

22.12.2025
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No