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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.50336 of 2025
Date of decision: 22.12.2025

Vinay Kumar

....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Sandeep Verma, Advocate
for the petitioner.

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

RAJESH BHARDWAJ, J. (Oral)

1. Present second petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.58, dated 29.05.2023, under Section 22 of NDPS Act, 1985, registered at Police Station Anaj Mandi, District Patiala.
2. Succinctly the facts of the case are that the Police party, while on patrolling on 29.05.2023, saw a car bearing registration No.PB-08-CA-9966, which was parked near the shed. A person was sitting on the driver seat, who had kept a heavy cloth bag on the front seat of the car. On seeing the police, he got perplexed and tried to escape, however, on suspicion he was apprehended. On asking, he disclosed his name as Jai Pal. He was suspected to be carrying some contraband in heavy cloth bag and thus, the same was searched. On conducting the search, 6000 intoxicant tablets containing Alprazolam and 7000 intoxicant tablets containing Tramadol



Hydrochloride Tablets. He failed to produce any license regarding possession of the same and hence, the FIR was registered and he was arrested on spot. The investigation commenced. The samples taken were sent to the FSL. On receipt of FSL report, challan was presented. On framing of charges, the trial Court commenced the trial. During the investigation, complicity of the petitioner was surfaced on the basis of disclosure statement of Jaipal as he was the supplier of contraband recovered in the present case, thus, he was also arrayed as an accused in the present case. Resultantly, the petitioner was arrested on 05.09.2024. The petitioner approached the Learned Judge, Special Court, Patiala praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Judge, Special Court, Patiala vide order dated 17.12.2024. Being aggrieved, the petitioner earlier approached this Court by way of filing CRM-M-8631-2025, however, the same was dismissed on merits vide order dated 10.03.2025. Hence being aggrieved, the petitioner is again before this Court by way of filing of present second petition praying for the grant of regular bail.

3. Learned counsel for the petitioner, at the outset, prays for the grant of bail to the petitioner on the basis of parity with that of the co-accused, namely, Jai Pal Sharma. He has drawn the attention of this Court to the order dated 15.09.2025, passed in **CRM-M-14682-2025**, whereby, co-accused, namely, Jai Pal Sharma has been granted regular bail by this Court. He has submitted that the petitioner is behind bars since 05.09.2024. He has further submitted that the petitioner has been named in the present case on the basis of disclosure statement of co-accused, which in itself is not even an admissible evidence. He has further submitted that even the



recovery of the contraband has been effected from the co-accused, namely, Jai Pal Sharma, who has already been granted bail by this Court. He has submitted that on the basis of the parity, the petitioner deserves to be granted bail as the case of the petitioner is similar to that of the said co-accused, who has already been granted bail.

4. Learned State counsel has endorsed the factum of grant of bail to the co-accused of the petitioner as stated above and has not denied that the petitioner is at par with the co-accused, namely, Jai Pal Sharma. He has further submitted that complicity of the petitioner was surfaced on the basis of disclosure statement of co-accused, Jai Pal Sharma, wherein it has been alleged that the petitioner is the supplier of the contraband. He has submitted that the alleged recovery of 762 grams of Alprazolam and 2695 grams of Tramadol Hydrochloride falls under the category of commercial quantity and thus, the provisions of Section 37 of NDPS Act are attracted. He has produced custody certificate of the petitioner today in the Court, which is taken on record.

5. I have heard learned counsel for the parties and perused the record with their able assistance.

6. After hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner is behind bars since 05.09.2024. Co-accused, namely, Jai Pal Sharma is on bail and the case of the petitioner as stated is at par with him. Custody certificate produced would show that the petitioner has suffered incarceration of 01 year, 03 months and 15 days as on 21.12.2025. It further reflects that the petitioner is involved in 04 other cases, however in 03 cases, he is on bail. The alleged recovery of 762 grams of Alprazolam and 2695 grams of Tramadol Hydrochloride in the



present case falls under the category of commercial quantity.

7. 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 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.
9. 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.
10. 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. However, if the petitioner does not furnish the bail bonds within seven days from today, then his further custody period after one week will not be counted in this case.

22.12.2025
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(RAJESH BHARDWAJ)
JUDGE

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