



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

**CRM-M No.50928 of 2025
Date of Decision: 16.09.2025**

Gagandeep Singh @ Gaggi

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Ranjit Saini, Advocate
for the petitioner.

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

RAJESH BHARDWAJ, J. (ORAL)

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.0231, dated 19.12.2023, under Sections 15, 25, 29, 61, 85 of Narcotic Drugs & Psychotropic Substances Act, 1985, registered at Police Station City-2 Khanna, District Ludhiana.

2. Succinctly the facts of the case are that the police party, while on patrolling on 19.12.2023, received a secret information to the effect that Jasveer Singh @ Jassi and Gagandeep Singh @ Gaggi (petitioner) are involved in smuggling of Poppy Husk from outside the State and selling it further on high rates to their customers in Khanna. It was informed that Jasveer Singh @ Jassi was the driver of container bearing Registration No.PB-65AY-7169 whereas Gagandeep Singh @ Gaggi (petitioner) was the cleaner. As per the information, the container



was said to have been parked at the turn of Military Ground Khanna and both were waiting for their customers. It was informed that in case of raid, both of them could be arrested along with the contraband. On finding the information reliable, the raiding team was constituted and the raid was conducted. On conducting the raid, a container was found to be parked and thus both the inmates were apprehended. On asking, they disclosed their names as Jasveer Singh @ Jassi and Gagandeep Singh @ Gaggi (petitioner). They were suspected to be carrying some contraband and thus, the search of container was conducted. On conducting the search of the container, 05 Kg of Poppy Husk was recovered. They failed to produce any licence regarding the conscious possession of the same, thus, the FIR was registered and both were arrested on the spot, however, the container was also taken into custody. Thereafter on their disclosure, it was found that more Poppy Husk was kept in the back side of the cabin, which was sealed and on weighing the same, another 100 kg of Poppy Husk was recovered from this container on 20.12.2023 and thus, in all, 105 Kg of Poppy Husk was recovered. On registration of the FIR, the investigation commenced. The samples taken were sent to the FSL. The petitioner approached the Court of learned Judge, Special Court, Ludhiana praying for the grant of bail. However, after hearing both the sides finding no merit in the same, the learned Judge, Special Court, Ludhiana declined the petition filed by the petitioner vide her order dated 28.03.2025. Hence being aggrieved the petitioner is before this Court by way of filing the present petition praying for the grant of regular bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in the



present case. He has submitted that petitioner is working as cleaner of the truck with the driver of Company, namely, Safe Express. He has submitted that the alleged recovery has been made from the cabin of container, which was sealed and the petitioner has no relation with the same. He has submitted that there is a violation of mandatory provisions of Section 42 of NDPS Act & Section 50 of NDPS Act as well. He has submitted that the petitioner is behind bars till the date of his arrest, i.e. 19.12.2023. He has further submitted that co-accused of the petitioner, namely, Jasveer Singh @ Jassi has already been granted bail by this Court vide order dated 27.03.2025 passed in CRM-M-16657-2024 and case of the petitioner is at par with that of the co-accused. He has thus submitted that in the facts and circumstances, the petitioner deserves to be granted bail.

4. *Per contra*, learned counsel for the State has opposed the submissions made by counsel for the petitioner. He, on instructions, has submitted that the petitioner was specifically named in the secret information and on conducting the raid on compliance of Sections 42 & 50 of NDPS Act, the recovery was effected from the vehicle. He has submitted that the total recovery of contraband is 105 Kg of Poppy Husk, which is a 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. He has submitted that the petitioner is involved in one more jail offence. He has endorsed the fact that co-accused of the petitioner has already been granted bail by this Court vide order dated 27.03.2025.



5. Heard.

6. After hearing learned counsel for the parties and perusing the record, it is deciphered that the FIR was registered on the basis of secret information on 19.12.2023. 5 kg of Poppy Husk was recovered on 19.12.2023, thereafter on 20.12.2023, another 100 kg of Poppy Husk was recovered from the cabin of container, which was already sealed. Custody certificate of the petitioner would show that the petitioner has suffered incarceration of 01 year, 08 months and 22 days as on 15.09.2025. Though the petitioner is involved in one more jail offense, however he has already undergone the period. Co-accused of the petitioner has already been granted bail by this Court vide order dated 27.03.2025.

7. After perusal of the order passed by the Hon'ble Supreme Court in **Mohd Muslim @ Hussain vs. State (NCT of Delhi), 2023 Live Law (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.'*

8. 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.

9. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for the grant of bail on parity.

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.

16.09.2025			(RAJESH BHARDWAJ)
<i>rittu</i>	Whether speaking/reasoned	:	JUDGE Yes/No
	Whether reportable	:	Yes/No