



CRM-M-54353-2024

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

CRM-M-54353-2024

Date of decision :28.10.2025

Manik Kwatra

....Petitioner

versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. P.S. Ahluwalia, Senior Advocate with
Mr. Kushagra Beniwal, Advocate and
Mr. Jaiveer Sandhu, Advocate for the petitioner.

Mr. J.S. Arora, D.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed for grant of regular bail in case FIR No.463 dated 29.07.2024, under Sections 22(b), 22(c)-61-85 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Krishana Gate, Thanesar, Kurukshetra.

2. Succinctly the facts of the case are that on 29.07.2024, the police party while on patrolling, received a secret information to the effect that Manik Kwatra (petitioner) is involved in selling of intoxicant tablets. It was informed that he would be coming on Railway Road, Kurukshetra for selling the intoxicating tablets to drug addicts and in case, barricading is laid, he could be arrested along with the contraband. On receiving the secret information, police laid the barricading at Railway Bridge. One white coloured car bearing No.PB07BB-0784 mark *i-20* was seen coming and same was stopped by the police officials. On asking, the driver of the



car disclosed his name to be Manik Kwatra (petitioner). He were suspected to be carrying some contraband, thus, search of the car was conducted. On conducting the search, 1070 tablets of Alprazolam were recovered. 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 completion of investigation, challan was presented. On framing of charges, the trial Court commenced the trial. The petitioner approached the Learned Additional Sessions Judge-cum-Judge Special Court, Kurukshetra praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Additional Sessions Judge-cum-Judge Special Court, Kurukshetra vide order dated 21.10.2024. Aggrieved by the same, the petitioner is before this Court by way of filing of present petition for grant of bail. However, it is apposite to mention here that petitioner is on interim bail, granted by this Court vide order dated 07.11.2024.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He submits that the recovery allegedly effected from the petitioner is 111.66 grams of Alprazolam whereas as per the Schedule of NDPS Act, the commercial quantity is above 100 grams. He submits that the petitioner has no criminal antecedents as he has never been involved in any other criminal case. To buttress his arguments, he submits that this Court vide order dated 18.10.2024 passed in CRM-M-51325-2024 had also stayed the further proceedings. He submits that co-accused, namely, Satish Kumar has already been granted anticipatory bail by this Court vide order dated 13.08.2024 passed in CRM-M-39165-2024. He further submits that



the petitioner has not misused the concession of interim bail granted by this Court. 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 opposed the submissions made by the counsel for the petitioner and submits that recovery of 1070 tablets weighing 111.66 grams of Alprazolam, is a commercial quantity and thus, provisions of Section 37 of NDPS Act, is attracted in the present case. However, he fairly submits that the main trial has already been stayed by this Court. He, on instructions, has submitted that the petitioner is not involved in any other case.

5. After hearing counsel for the parties and perusing the record, it is deciphered that this Court in CRM-M-51325-2024 had already stayed the further proceedings in the main trial only *qua* accused, namely, Poonam Rani. As submitted before this Court, petitioner has not misused the concession of interim bail which was earlier granted by this Court vide order dated 07.11.2024.

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.

8. However, in the facts and circumstances of the present case, the interim bail granted to the petitioner vide order dated 07.11.2024 is made absolute to his already furnished surety/bail bonds before the trial

Court and the same shall be treated as alive till the final disposal of the trial. The petitioner is directed to keep on appearing before the trial Court as and when required to do so and also to comply with the direction of the trial Court given by it during the pendency of the trial. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

28.10.2025
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(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned

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Yes/No

Whether reportable

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Yes/No