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

CRM-M-52686-2025

Date of decision : 06.11.2025

**Anil @ Neel****.....Petitioner****versus****State of Haryana****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Sagar Dangi, Advocate  
for the petitioner.

Mr. Tanuj Sharma, A.A.G., Haryana.

**RAJESH BHARDWAJ, J. (Oral)**

1. Present petition has been filed for grant of regular bail to the petitioner in case FIR No.144 dated 01.05.2023, under Sections 22 & 29 of Narcotic Drugs and Psychotropic Substances Act, 1985, and Section 201 of IPC, registered at Police Station Old Subzi Mandi, Rohtak.

2. Succinctly the facts of the case are that on 01.05.2023, the police party while on patrolling, received a secret information to the effect that Anil @ Neel (petitioner) was involved in selling of intoxicant drug Onerex. It was informed that he was standing in front of Modhu's house on the main road for selling the contraband. In case the raid is conducted, he could be arrested along with the contraband. On receiving the secret information, the raiding party reached at the place disclosed where a young boy was seen standing at the disclosed place. On asking, he disclosed his name to be Anil @ Neel (petitioner). He was carrying a polythene bag and was suspected to be carrying some contraband in the same. On giving the offer, search was conducted. On conducting the



search 15 vials of Onerex syrup was found in the polythene being carried by him. He failed to produce any licence regarding possession of the same. Thus, FIR was registered and he was arrested on the spot. On registration of FIR, the investigation commenced. Samples taken were sent to the FSL. On receiving the FSL report, challan was presented. On framing the charges, trial commenced. The petitioner approached learned Additional Sessions Judge, Rohtak for grant of bail, however, after hearing both the sides, the same was declined by the trial Court vide order dated 14.07.2025. Aggrieved by the same, petitioner is before this Court by way of filing the present petition.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case. He submits that the FIR has been registered on the basis of secret information, however, there is a gross violation of provisions of Section 42 of the NDPS Act. He submits that compliance of provisions of Section 50 of NDPS Act was mandatory in conducting the search, however, there is violation of the same as well. He submits that the alleged recovery has been effected from a public place, however, no independent witness was joined by the investigating agency. He submits that the petitioner is behind bars since the date of his arrest, however, there is no progress in the trial, thus, his fundamental right of speedy trial is defeated. He submits that though petitioner is involved in 02 other cases under the NDPS Act, however, in one case he is on bail and in other he has been acquitted. He submits that co-accused, namely, Ravinder has already been enlarged on bail by the trial 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. He has submitted that the petitioner was specifically named in the FIR. On conducting the search, recovery of 15 bottles of 100 ML each Onerex syrup was effected from the petitioner, which is a commercial quantity and thus, provisions of Section 37 of NDPS Act, are attracted in the present case. He, on instructions, has submitted that out of total 22 prosecution witnesses, only 08 witnesses have been examined so far. He has produced the custody certificate of the petitioner on record.

5. On hearing counsel for the parties and perusing the record, it is deciphered that the FIR has been registered on the basis of secret information. The petitioner was arrested on 01.05.2023. The custody certificate produced would show that the petitioner has suffered an incarceration of 02 years, 06 months and 04 days as on 05.11.2025. Though petitioner is involved in 02 other cases, out of which, in 01 case he is on bail and in 01 case, he has been acquitted.

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”<sup>22</sup> (also see Donald Clemmer’s ‘The Prison Community’ published in 1940<sup>23</sup>). 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. The Hon’ble Supreme Court in *Ashim @ Asim Kumar Haranath Bhattacharya @ Asim Harinath Bhattacharya @ Aseem Kumar Bhattacharya Vs. National Investigation Agency, 2022(1) SCC 695* has held as under:

*“Deprivation of personal liberty without ensuring speedy trial is not consistent with Article 21 of the Constitution of India. While deprivation of personal liberty for some period may not be*



*avoidable, period of deprivation pending trial/appeal cannot be unduly long. At the same time, timely delivery of justice is part of human rights and denial of speedy justice is a threat to public confidence in the administration of justice.”*

9. The Hon’ble Supreme Court in a recent decision dated 03.07.2024 in ‘**Javed Gulam Nabi Shaikh Vs. State of Maharashtra, Criminal Appeal No. 2787 of 2024**’, has held that howsoever serious a crime may be, an accused has the right to speedy trial under the Constitution of India.

10. 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. 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 Court/Duty Magistrate.

( **RAJESH BHARDWAJ** )  
**JUDGE**

**06.11.2025**  
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|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |