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

CRM-M-53351-2025

Date of Decision: 25.09.2025

Angrej Singh @ Shanty

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Abhaysher Singh, Advocate, for the petitioner.

Mr.Raj Karan Singh, AAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached by way of filing the present petition praying for grant of regular bail in case FIR No.95 dated 25.07.2023 under Section 22 of NDPS, 1985, registered at Police Station City Zira, District Ferozepur.

2. Succinctly, facts of the case are that on 25.07.2023, the police party while on patrolling when reached near the shops adjoining the old Police Station City Zira, then they found Angrej Singh @ Shanty (petitioner) standing there, against whom one case for carrying heroin was registered at Police Station City Zira. On seeing the police, he tried to escape and threw one transparent polythene in debris and grass on the roadside. The intoxicant tablets were visible from the polythene. The police party nabbed him and asked about the intoxicant tablets. He replied that these intoxicant tablets are dissolvable and used in injections. On searching the polythene, 200 loose intoxicant tablets were found. He failed to produce any licence regarding the possession of the same and thus, on registration of the FIR, he was arrested on the spot. The investigation commenced. Samples taken were sent to the FSL. The petitioner was granted interim bail to await the report from the FSL. On receiving the report of the FSL, the petitioner was taken into



custody on 02.05.2024. Challan was presented and on framing of charges, the trial commenced. The petitioner approached the Court of learned Judge, Special Court, Ferozepur twice praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail applications filed by the petitioner vide orders dated 29.08.2023 and 24.07.2024. Being aggrieved by the same, earlier the petitioner approached this Court by way of filing CRM-M-42966-2024, however, the same was disposed of at that stage vide order dated 04.02.2025. Hence, the petitioner has again approached this Court praying for grant of regular bail by way of filing the present second petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. He submit that the alleged recovery has been effected from a public place, however, no independent witness has been joined. He submits that there is a violation of provisions of Section 50 of the NDPS Act in conducting the search. He submits that the petitioner has completed incarceration of about 1½ years, however, the trial has not concluded till date. He submits that earlier petition filed by the petitioner was declined by this Court by observing that trial was at the fag end, however, till date the prosecution has failed to complete the trial. He further submits that though the petitioner is involved in two more cases, however, he is on bail in those cases. He, thus, submits that in the facts and circumstances of the present case, the petitioner deserves to be granted regular bail.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner. He has submitted that



recovery effected from the petitioner is 200 intoxicant tablets which as per the FSL report weighed 26.4 grams of Etizolam, which is a commercial quantity and thus, provisions of Section 37 of the NDPS Act, are attracted. On instructions, he submits that out of total 09 prosecution witnesses, 04 witnesses have been examined till date. He has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner was arrested in the present case on 25.07.2023. However, he was granted interim bail to await the report of the FSL. On receiving the same, the petitioner was again taken into custody on 02.05.2024. As submitted before this Court, 04 witnesses have been examined out of 09 prosecution witnesses. The custody certificate would show that the petitioner has suffered incarceration of 01 year, 05 months & 28 days as on 24.09.2025. It further shows that the petitioner is involved in two other cases, however, he is on bail in those cases.

6. 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.

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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.’

7. 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. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, 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.



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8. 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.

09. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

25.09.2025

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Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No