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

CRM-M-56364-2025

Date of Decision: 26.11.2025

Geeta Ram

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Sahil Choudhary, Advocate and
Mr. Ashish Grewal, Advocate, for the petitioner.

Ms. Diya Sodhi, Sr. DAG, Haryana.

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.277 dated 22.06.2024 under Sections 22(C) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sadar Yamuna Nagar, District Yamuna Nagar.

2. Succinctly, facts of the case are that on 22.06.2024, the police party while on patrolling received a secret information to the effect that Paras @ Shanti and Geeta Ram (petitioner) are involved in selling narcotic drugs. It was informed that they would go to their village Sarawan from Saharanpur via Yamuna Nagar in their car bearing registration No.HR40-9797 and in case of barricading, they could be arrested alongwith the contraband. On receiving the secret information, barricade was laid at the place disclosed. A car as disclosed in the secret information was seen coming and the same was stopped. On asking, the person driving the car disclosed his name to be Paras @ Shanti and the person sitting next to him, disclosed his name as Geeta Ram (petitioner), who was holding a bag. They were suspected to be carrying some contraband. Thus, their search was



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conducted. On conducting search, 1752 capsules labelled as Dicyclomine Hydrochloride, Tramadol Hydrochloride, Acetaminophen, Brand Proxyoff Spas were recovered. They failed to produced any licence regarding the possession of the same, and thus, on registration of the FIR, they were arrested. The investigation commenced. Samples taken were sent to the FSL. On receiving the FSL report, the contraband recovred was found to be 876 grams of Tramadol. On presentation of the challan, the charges were framed and the trial commenced. The petitioner approached the Court of learned Additional Sessions Judge, Yamuna Nagar, praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 13.09.2024. The petitioner earlier approached this Court by way of filing CRM-M-18322-2025, however, the same was dismissed as not pressed, vide order dated 08.04.2025. 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 and frivolously implicated in the present case. He submit that the FIR in the present case was registered on the basis of secret information and there is blatant violation of Section 42 of the NDPS Act. He further submits that the alleged recovery has been effected from a public place, however, no independent witness has been joined and thus, there is violation of Section 50 of the NDPS Act. To buttress his arguments, he has submitted that the petitioner has no criminal antecedents. It is submitted that co-accused Amit Kumar has been enlarged



on bail by this Court. 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. She has submitted that the recovered contraband i.e. 876 grams of Tramadol is a commercial quantity and thus, provisions of Section 37 of the NDPS Act, are attracted in this case. She submits that the petitioner was specifically named in the secret information. On instructions, she submits that out of total 21 prosecution witnesses, 14 witnesses have been examined. She 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 on 22.06.2024. As submitted before this Court, out of total 21 prosecution witnesses, 14 witnesses have been examined. The custody certificate would show that the petitioner has suffered incarceration of 01 year, 05 months & 03 days as on 26.11.2025. It further shows that the petitioner has no criminal antecedents.

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.

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

26.11.2025		(RAJESH BHARDWAJ)
sharmila		JUDGE
	Whether Speaking/Reasoned :	Yes/No
	Whether Reportable :	Yes/No