

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-58195-2025

Date of decision: 18th November, 2025

Atesh @ Adesh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

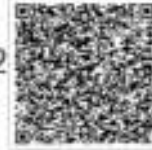
Present: Mr. Samaydeen, Advocate for the petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

MANISHA BATRA, J (ORAL):-

The petitioner has been seeking indulgence of this Court by filing this petition for grant of regular bail in case arising out of FIR No. 236 dated 31.05.2025 registered under Sections 20(b)(iii)(c) of Narcotic Drugs and Psychotropic Substance Act, 1985 (for short '*NDPS Act*') at Police Station Chandhuth, District Palwal.

2. As per the allegations, on 31.05.2024, on receipt of a secret information, a raiding party was formed which reached at the Jamuna Bridge area and apprehended the petitioner, who on seeing the police party had left a plastic gunny sack in the nearby fields and tried to flee. On checking, the said plastic bag was found to be containing 04 packets in which total 20.921 grams of *ganja* leaves were kept. The same were taken into possession. The petitioner was formally arrested. Investigation proceedings now stand concluded.

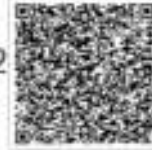


3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He has clean antecedents. A false recovery has been planted upon him. He is in custody since long. The trial will take considerable time to conclude. His further incarceration would not serve any useful purpose. It is, therefore, urged that he deserves to be extended benefit of bail.

4. *Per contra*, learned State counsel has argued that there are serious allegations against the petitioner. Commercial quantity of contraband was recovered from him. The rigors of Section 37 of NDPS Act are attracted in this case. It is, therefore, urged that the petition does not deserve to be allowed.

5. This Court has heard learned counsel for the parties at considerable length.

6. As per the allegations, the petitioner was found to be in possession of 20.921 grams of *ganja* leaves. The petitioner is in custody since 31.05.2024. On going through the record, it is apparent that the trial is substantially delayed as out of total 15 prosecution witnesses only 03 prosecution witnesses have been examined so far. There is no likelihood of the same to conclude in near future. Hon'ble Supreme Court in ***Rabi Prakash vs. State of Odisha : 2023 Live Law (SC) 533*** has held that the prolonged incarceration, generally militates against the most precious fundamental right guaranteed under Article 21 of the Constitution and in such a situation, the conditional liberty must override the statutory embargo created under Section 37(1)(b)(ii) of the NDPS Act. Similar view has been taken by Hon'ble Supreme Court in ***Ankur Chaudhary vs. State of Madhya***



Pradesh : 2024 (4) RCR (Criminal) 172. Reliance can also be placed upon ***Mohd. Muslim @ Hussain vs. State (NCT of Delhi) : 2023 AIR(SC) 1648*** ***2023 AIR(SC) 1648***, wherein Hon'ble Supreme Court, while granting concession of regular bail to an accused, from whom commercial quantity of the contraband was allegedly recovered, has held that grant of bail on the ground of undue delay in trial cannot be said to be fettered by Section 37 of the NDPS Act. Reference can also be made to the authority cited as ***Satender Kumar Antil vs. Central Bureau of Investigation and another, 2022(10) SCC 51***, wherein similar observations were made by the Hon'ble Supreme Court. Reliance can also be placed upon the authority cited as ***Bhupender Singh vs. Narcotic Control Bureau : (2022) 2 RCR (Criminal) 706***, wherein a Division Bench of this Court, after considering issue with respect to achieving balance between right to speedy trial guaranteed under Article 21 of the Constitution of India and the rigors enumerated under Section 37 of the NDPS Act, has held that convict/accused is not precluded from claiming bail invoking parameters of Article 21 of the Constitution of India *de-hors* the stringent provisions of Section 37 of the NDPS Act. Therefore, keeping in view the aforementioned facts and circumstances and also the ratio of law as laid down in the aforecited authorities, this Court is of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found



involved in any other subsequent case.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

8. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

18th November, 2025

Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |