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

CRM-M-60716-2024

Date of decision: 09.12.2025

AKASH SINGH RAJPOOT

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Ms. Gagandeep Kaur, Advocate for the petitioner.

Mr. Sumit Jain, Addl. AG, 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.270 dated 26.07.2023 under Section 20, 29 of NDPS Act, 1985 registered at Police Station Sadar Jhajjar, District Jhajjar.
2. Succinctly the facts of the case are that on 26.07.2023, while the police party was on patrol, they received a secret information to the effect that Sachin, Shivam and Akash (petitioner) were involved in smuggling ganja. It was informed that they were travelling from Surehti towards Sulodha road, in two separate cars bearing No.MH-04FZ-2469 and HR-38AD-9709 to sell ganja. On receiving the secret information, the barricading was led, both the cars were intercepted and stopped. The driver of the car bearing No.MH-04FZ-2469 disclosed his named to be Shivam whereas the person seated beside him managed to escape. In other car bearing No.HR-38AD-9709, the driver also managed to escape leaving the car. On conducting the search of the car, driven by Shivam, 30 Kg of Ganja was recovered whereas no contraband was found in the other car. The co-accused, Shivam was arrested. He failed to produce any license regarding the possession of the same. FIR got registered and investigation commenced.

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was Akash Singh Rajpoot. Thus, he was arrayed as an accused and was arrested on 21.03.2024. On completion of the challan, charges have been framed. He approached the learned Additional Sessions Judge, Jhajjar for grant of bail. However, after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge, Jhajjar declined the bail application vide order dated 14.11.2024. Aggrieved by the same, petitioner is before this Court praying for the grant of bail by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. She further submits that the case of the prosecution is based on the secret information and there is a violation of Sections 42 and 50 of NDPS Act. She further submits that only co-accused, namely, Shivam was arrested at the spot and recovery was also effected from the car being driven by him. She further submits that the co-accused, Shivam had already been granted bail by a Co-ordinate Bench of this Court vide order dated 06.11.2024 passed in CRM-M54019-2024. However, the petitioner was arrested on the basis of the disclosure statement of the co-accused. She further submits that the petitioner has no criminal antecedents. She further submits that in the facts and circumstances, the petitioner deserves to be granted regular bail.

4. *Per contra*, learned State counsel has opposed the submissions made by counsel for the petitioner. He fairly submits that petitioner was specifically named in the secret information, however, he managed to escape at the time of recovery. However, he does not controvert the fact that the co-accused, Shivam had already been granted bail by a Co-ordinate Bench of this Court. He further submitted that the recovered contraband weighs 30 kg falls within the category of



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attracted. However, petitioner was arrested subsequently. On instructions, out of total 27 prosecution witnesses, 07 has been examined. He has produced custody certificate of the petitioner today in the Court and the same is taken on record and he is not involved in any other case.

5. Heard.

6. On hearing learned counsel for the parties and perusing the record, it is deciphered that the co-accused, namely, Shivam was arrested on spot and the recovery was effected from him. However, petitioner was arrested subsequently on disclosure statement. Out of total 27 prosecution witnesses, 07 has been examined. Custody certificate produced would show that the petitioner has completed incarceration of 01 year, 08 months and 17 days as on 09.12.2025 and he is not involved in any other case.

7. 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.”

8. 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. The trial of the case will take sufficiently long time.

9. 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. Petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

09.12.2025
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(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No