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

CRM-M-63376-2025

Date of decision : 17.11.2025

Depati Singh @ Deputy Singh @ Bhola**....Petitioner****versus****State of Punjab****.....Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. Raj Karan Singh, A.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed for grant of regular bail in case FIR No.440 dated 18.12.2022, under Section 22, 29 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Kotwali, Kapurthala.
2. Succinctly the facts of the case are that the Police party while on patrolling on 18.12.2022, reached near T-point, Gurudwara Baba Amar Nath Village Boot and saw a person coming on foot. On seeing the police, he got perplexed and threw a transparent plastic bag held by him in his right hand. On suspicion, he was stopped. On asking, he disclosed his name to be Deputy Singh @ Bhola (present petitioner). He was suspected to be carrying some contraband in the plastic bag thrown by him and thus, the same was searched. On conducting the search, 275 loose intoxicant tablets were recovered from the same. He failed to produce any license regarding possession of the same and hence, the FIR was registered and



he was arrested on spot. The investigation commenced. The samples taken were sent to the FSL. On receipt of FSL report, the contraband recovered was found to be Etizolam weighing 37.125 grams. The petitioner approached the Learned Judge, Special Court, Kapurthala praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Judge, Special Court, Kapurthala vide order dated 29.10.2024. Aggrieved by the same, the petitioner approached this Court twice by way of filing of CRM-M-64809-2024 and CRM-M-31309-2025, which were declined by this Court vide orders dated 05.02.2025 and 04.07.2025, respectively. Hence, petitioner is before this Court by way of filing of present third petition for grant of bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. 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 compliance 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 petitioner is behind bars since the date of his arrest, however, till date the prosecution has not examined even a single witness. He submits that though he was falsely implicated in one more case, however, he has already undergone the sentence awarded. He submits that co-accused of the petitioner has already been granted bail. 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 and submits that the petitioner was arrested on spot along with the contraband. He submits that



the alleged recovery was of 37.125 grams of Etizolam, 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 15 prosecution witnesses, none has been examined so far. He further affirms that co-accused of the petitioner is already on bail. He has produced the custody certificate of the petitioner on record.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner is behind bars since the date of his arrest. As per custody certificate, the petitioner has suffered incarceration of 01 year, 04 months and 12 days as on 16.11.2025. Though the petitioner is involved in one more case, however, he has already undergone the sentence awarded in the same. As submitted before this Court, out of total 15 prosecution witnesses, none has been examined till date. Needless to say that speedy trial is the fundamental right of every accused.

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.

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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.*

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

17.11.2025

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(RAJESH BHARDWAJ)

JUDGE

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