



CRM-M-65023-2025

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

CRM-M-65023-2025

Date of decision :21.11.2025

Ashok Sissodia @ Ashok Sisodiya**....Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Ms. Honey Passi, Advocate
for the petitioner.

Mr. Amit Kumar Goyal, Addl.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed for grant of regular bail in case FIR No.34 dated 15.04.2024 under Section 18 of NDPS Act (Section 29 of NDPS Act added later on), registered at Police Station Dirba, District Sangrur.

2. Succinctly the facts of the case are that the Police party while on patrolling on 15.04.2024 received a secret information to the effect that one Umesh Chaudhary S/o Bharat Chaudhary and Ashok Sissodiya S/o Birham Singh (present petitioner) were involved in selling of opium in their Truck bearing No.MP-09-HH-4894 in heavy quantity. It was informed that today also they would come from Parta Sangrur to Ludhiana in their truck with heavy quantity of opium and if barricading is laid, they could be apprehended along with the contraband. On receiving the information, a raiding team was constituted and the barricading was laid at



the place as disclosed by the informer. As informed, a truck was seen coming and the same was stopped. The inmates of the Truck, on asking disclosed their names to be Umesh Chaudhary and Ashok Sissodiya. They were suspected to be carrying some contraband in the truck and thus, search of the truck was conducted. On conducting the search, 06 kgs of opium was recovered. They failed to produce any licence regarding the conscious possession of the same and thus, FIR was registered and they were arrested on the spot. On registration of FIR, the investigation commenced. On completion of investigation, challan presented, charges were framed and learned trial Court commenced the trial. The petitioner approached the Learned Judge, Special Court, Sangrur praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Judge, Special Court, Sangrur vide order dated 15.05.2024. Aggrieved by the same, the petitioner is before this Court by way of filing of present petition for grant of bail.

3. Learned counsel for the petitioner, at the outset, prays for the grant of bail on the basis of parity with that of the co-accused. She has drawn the attention of this Court to the order passed by this Court in **CRM-M-64342-2024** dated 25.08.2025 whereby co-accused of the petitioner, namely, Umesh Chaudhary, has been granted the concession of bail. She has submitted that case of the petitioner is at par with the co-accused, who has been granted bail by this Court. She submits that on the basis of the parity, petitioner deserves to be granted bail as case of the petitioner is similar to that of the co-accused, who has already been granted bail.

4. Learned State counsel has endorsed the factum of grant of bail to the co-accused of the petitioner as stated above and has not denied



that the petitioner is at par with the co-accused, namely, Umesh Chaudhary. It is submitted that the recovery effected in the present case is 06 kg of opium which falls under the commercial quantity and thus, provisions of Section 37 of NDPS Act, are attracted in the present case. He has placed on record the custody certificate of the petitioner.

5. After hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner is behind bars since the date of his arrest. Co-accused, namely, Umesh Chaudhary is on bail and the case of the petitioner as stated is at par with him. Recovery effected in the present case is 06 kg of opium, which falls under the commercial quantity. Custody certificate of the petitioner would reveal that the petitioner has suffered an incarceration of 01 year, 07 months & 02 days as on 20.11.2025. It further reveals that the petitioner is not involved in any other case.

6. 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.

7. 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. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for the grant of



bail on the basis of parity. 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.

21.11.2025
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(RAJESH BHARDWAJ)
JUDGE

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