



CRM-M-4275-2026

1

**220 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-4275-2026****Date of decision :04.05.2026****Kamlesh Das****....Petitioner****versus****State of Haryana****.....Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Sandeep Saini, Advocate
for the petitioner.

Ms. Diya Sodhi, Sr. D.A.G., Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed for grant of regular bail in case FIR No.159 dated 25.05.2020, under Sections 15, 27-A and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 181 of Motor Vehicles Act, 1988, registered at Police Station Chandimandir, District Panchkula.
2. Succinctly the facts of the case are that the police party while on patrolling on 25.05.2020 received a secret information to the effect that Ram Kumar, who is a driver of truck bearing No.HP12D-2057, is coming from Gujarat with his loaded truck carrying poppy husk. If barricading is laid on the National Highway, he could be apprehended along with the contraband. On receiving the secret information, barricading is laid. A truck as informed by the secret informer, was seen coming. The same was signalled to stop. On asking, the driver of the vehicle disclosed his name to be Ram Kumar. He was suspected to be carrying some contraband and thus, search was conducted. On conducting the search, 36 drums of glycerin and 05 plastic bags/kattas containing Bhukki (Chura post) weighing 02 quintal, were recovered from the same. He failed to produce



any licence regarding the possession of the same. Thus, the FIR was registered and he was arrested on the spot. On registration of FIR, the investigation commenced. Samples taken were sent to FSL. During investigation, complicity of the petitioner was surfaced who was found to be supplier of the contraband, thus, he was also arrayed as an accused. Resultantly, the petitioner was arrested on 07.01.2025. The petitioner approached the Court of learned Additional Sessions Judge, Panchkula, praying for the grant of bail. However, after hearing both the sides, finding no merit in the same, the learned Additional Sessions Judge, Panchkula, dismissed the petition filed by the petitioner vide order dated 24.03.2025. Hence being aggrieved, the petitioner earlier approached this Court by way of filing of CRM-M-20414-2025 and CRM-M-47059-2025, however, the same were dismissed as withdrawn by this Court vide orders dated 24.04.2025 and 08.10.2025, respectively. Hence, the petitioner is before this Court by way of filing the present third petition praying for the grant of regular bail.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case. He submits that the alleged recovery of 05 plastic bags/kattas containing 02 quintal of poppy husk is from co-accused, namely, Ram Kumar. He submits that the petitioner has been implicated in the present case only on the basis of disclosure statement of co-accused Ram Kumar, which is not even an admissible evidence. He submits that the petitioner has never faced the prosecution in any other case of similar nature. He further submits that the co-accused from whom the recovery of said contraband was effected, has already been granted bail by this Court vide order dated 06.12.2023, passed in CRM-M-14904-2023. He submits that the allegation against the



petitioner are without any evidence on record. 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 alleged recovery of 02 quintal of poppy husk has been effected from co-accused, Ram Kumar. She submits that during investigation, complicity of the petitioner was duly surfaced. She submits that it was found that recovery the said contraband was supplied by the petitioner and an amount of Rs.1,70,000/-, was paid to the petitioner by co-accused Ram Kumar. She submits that during investigation, the call records of the petitioner verified that the petitioner was in touch with the co-accused. She further submits that the petitioner, after commission of offence, could not be arrested and thus, was declared a proclaimed offender by the Court concerned on 13.07.2022 and thereafter, he was arrested on 07.01.2025. She submits that the recovery effected in the present case falls under the category of commercial quantity and thus, provisions of Section 37 of NDPS Act, are attracted in the present case. She, on instructions, has submitted that out of total 23 prosecution witnesses, 05 witnesses have been examined so far. She 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 has been implicated in the present case on the basis of disclosure statement of co-accused Ram Kumar, from whom recovery of 02 quintal of poppy husk was effected. Admittedly, co-accused, Ram Kumar, is already on bail granted by this Court vide order dated 06.12.2023, passed in CRM-M-14904-2023. The recovery effected



in the present case, falls under the category of commercial quantity. As per custody certificate, the petitioner has suffered an incarceration of 01 year, 03 months and 18 days as on 30.04.2026. It further reflects that though the petitioner is involved in one more case, however, he has been acquitted in the same and that he has never faced prosecution in any other case of similar nature. As submitted before this Court, out of total 23 prosecution witnesses, 05 witnesses have been examined so far.

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.

20. xxxxxx

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 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.

9. 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.

04.05.2026
ps-I

(RAJESH BHARDWAJ)
JUDGE

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