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

**CRM-M No.8520 of 2026
Date of Decision: 08.04.2026**

Amritpal Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Gurmanpreet Singh, Advocate for
Mr. Naveen Bawa, Advocate
for the petitioner.

Mr. K. D. Sachdeva, DAG, Punjab.

RAJESH BHARDWAJ, J. (ORAL)

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.0073, dated 09.09.2022, under Sections 22, 25, 61, 85 of NDPS Act and Section 379 of IPC (Section 411 IPC added later on), registered at Police Station Jodhan, District Ludhiana Rural, Ludhiana.

2. Succinctly, the facts of the case are that the police party while on patrolling on 09.09.2022, received a secret information to the effect that Amritpal Singh, i.e. the petitioner was involved in the business of selling intoxicant tablets. It was informed that he was coming on the stolen motorcycle bearing registration No.PB-10-BY-2113 from village Pakhowal towards Jodhan to sell the intoxicant tablets to his customers and in case of raid, he could be apprehended along with the contraband and the



stolen motorcycle. On receiving the secret information, the raiding party was constituted and reached the place as disclosed in the secret information. The person, as disclosed in the secret information, was seen coming on the abovementioned motorcycle, however, on suspicion, he was apprehended by the police party. On asking, he disclosed his name to be Amritpal Singh. He was suspected to be carrying some contraband and thus, his search was conducted. On conducting his search, 100 intoxicant tablets were recovered. He failed to produce any licence regarding the conscious possession of the same, thus, the FIR was registered and he was arrested on the spot and the stolen motorcycle was also taken in the custody. On registration of the FIR, the investigation commenced. The samples taken were sent to the FSL. On receipt of the FSL report, the contraband recovered was found to be weighing 11.3 grams of Etizolam. On completion of the investigation, the challan was presented and on framing of charges, the trial commenced. The petitioner approached the learned trial Court praying for the grant of regular bail and till the receiving of the FSL report, the petitioner was granted the concession of interim bail by the learned trial Court vide order dated 31.10.2022, however, on the receipt of the FSL report, the contraband recovered from the petitioner was found to be commercial in nature and thus, his interim bail dated 31.10.2022 was cancelled and he was taken into custody vide order dated 04.06.2025. Thereafter, the petitioner again approached the Court of learned Judge, Special Court, Ludhiana praying for the grant of regular bail. However, after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Ludhiana declined the second



bail application filed by the petitioner vide order dated 08.07.2025. Hence being aggrieved, the petitioner is before this Court praying for the grant of regular bail by way of filing the present petition.

3. Learned counsel appearing on behalf of the petitioner has submitted that the petitioner has been falsely implicated in the present case. He has submitted that evidently the case of the prosecution is based on the secret information, however, there is a violation of mandatory provisions of Section 42 of NDPS Act. He has submitted that the alleged recovery has been effected from the public place, however, no independent witness has been joined. He has submitted that there is a violation of mandatory provisions of Section 50 of NDPS Act as well in conducting the search. To buttress his arguments, learned counsel appearing on behalf of the petitioner has submitted that the petitioner has no criminal antecedents as he has never been involved in any other case. He has submitted that the petitioner is behind bars from last more than 11 months. He has submitted that in the facts and circumstances, the petitioner deserves to be granted regular bail.

4. *Per contra*, learned counsel for the State has vehemently opposed the submissions made by learned counsel for the petitioner. He has submitted that the petitioner was specifically named in the secret information and was arrested on the spot along with the contraband. He has submitted that on conducting the raid, 100 tablets containing Etizolam were recovered from him and on weighing, the same was found to be 11.3 grams of Etizolam, which is a commercial quantity and thus, the provisions of Section 37 of NDPS Act are attracted. He has submitted that



the petitioner was initially granted interim bail, however, during the trial on 24.04.2025, he jumped the bail and thereafter, he was arrested on 04.06.2025. He, on instructions, has submitted that out of total 10 prosecution witnesses, only 01 witness has been examined till date. He has submitted that the petitioner has misused the concession of interim bail granted to him and thus, no case for the grant of regular bail to the petitioner is made out. He has produced custody certificate of the petitioner today in the Court, which is taken on record.

5. Heard.

6. On hearing learned counsel for the parties and perusing the record, it is deciphered that the case of the prosecution is based on the secret information. The alleged recovery of 100 intoxicant tablets containing Etizolam in the present case was effected from the public place, which weighs 11.3 grams, which is a commercial quantity. It is not under dispute that the petitioner was on interim bail, however, on 24.04.2025, he jumped the bail and thereafter, he was arrested on 04.06.2025. Custody certificate produced would show that the petitioner has suffered an incarceration of 11 months and 22 days as on 28.03.2026. It further reflects that the petitioner is not involved in any other case. Out of total 10 prosecution witnesses, only 01 witness has been examined so far.

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:-



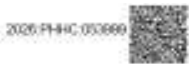
19. *A plain and literal interpretation of the conditions under Section 37 (i.e., that Court should be satisfied that the accused is not guilty and would not commit any offence) would effectively exclude grant of bail altogether, resulting in punitive detention and unsanctioned preventive detention as 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. 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.
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.
10. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

08.04.2026

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(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No