



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

**CRM-M-13030-2026
Date of decision : 18.05.2026**

Resham Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Vikas Gupta, Advocate
for the petitioner.

Mr. K.D. Sachdeva, D.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present second petition has been filed for grant of regular bail in case FIR No.130 dated 25.09.2024, under Section 18-C, 18(b) & 29 (added lateron) of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sadar Tarn Taran, District Tarn Taran.

2. Succinctly the facts of the case are that the Police party while on patrolling on 25.09.2024, when they reached near Bhatta Kuhaarka, saw a person holding a heavy pink polythene envelope in his right hand and was about to onto the road from kiln side, however, on seeing the police, he got perplexed and tried to turn back. On suspicion, he was apprehended by the police party and on asking, he disclosed his name to be Resham Singh (petitioner herein). He was suspected to be carrying some contraband in the envelope which he was holding and thus, search was conducted. On conducting the search, 4 kg 300 grams of opium was recovered from the same. He failed to produce any license regarding possession of the same and thus, the FIR was registered and he was arrested on spot. The investigation commenced. Samples taken were sent



to the FSL. On receipt of FSL report, challan was presented, charges were framed and on framing of charges, trial commenced. The petitioner approached the Learned Judge, Special Court, Tarn Taran praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned trial Court, Tarn Taran vide order dated 24.03.2025. Aggrieved by the same, the petitioner earlier approached this Court by way of filing of CRM-M-33673-2025, however, the same was dismissed as not pressed vide order dated 28.10.2025. Hence, the petitioner is before this Court by way of filing of present second petition for grant of bail.

3. Learned counsel for the petitioner contended that the petitioner has been falsely implicated in the present case. He submits that evidently, as per the case of the prosecution, the alleged recovery is from a public place when the petitioner was allegedly seen by the police party carrying a bag. He submits that the alleged recovery is of 4 kg 300 grams of opium. 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 there is blatant violation of provisions of Section 50 of NDPS Act in conducting the search and thus, the conscious possession is also not proved. He submits that as per the record of the case, there are material contradictions and the time of recovery has also been manipulated by the investigating agencies. To buttress his arguments, he submits that the petitioner has no criminal antecedents as he has never been involved in any other case. He submits that the petitioner is behind bars from last more than 1 ½ years, however, till date only 04 witnesses have been examined. 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. He submits that from the bag being carried by the petitioner, 4 kg 300 grams of opium was recovered, 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 13 prosecution witnesses, 04 witnesses have been examined so far. 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 alleged recovery in the present case has been effected from a public place. No independent witness joined in the present case as contended by counsel for the petitioner. Violation of provisions of Section 50 of NDPS Act, has been vehemently contended and conscious possession is not proved. The alleged recovery from the bag, being carried by the petitioner, is 04 kg 300 grams of opium, which is a commercial quantity. As per custody certificate, the petitioner has suffered incarceration of 01 year, 07 months and 17 days as on 17.05.2026. It further reflects that the petitioner has no criminal antecedents. As submitted before this Court, out of total 13 prosecution witnesses, only 04 witnesses have been examined till date.

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. 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.



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.

18.05.2026
ps-I

(**RAJESH BHARDWAJ**)
JUDGE

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