



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

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CRM-M-12383-2026 (O&M)
Date of decision : 23.03.2026

Naresh Kumar

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Dr. Anmol Rattan Sidhu, Senior Advocate with
Ms. Kamla Malik, Advocate and
Mr. Bishnoi Abhimanyu, Advocate for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

SURYA PARTAP SINGH, J.

This petition for bail is the first petition, filed by the petitioner under Section 483 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. It has been filed with regard to a case arising out of FIR No.39 dated 04.02.2026, for the commission of offence punishable under Sections 22(c) of Narcotic Drugs and Psychotropic Substances Act, hereinafter being referred to as 'NDPS Act', Police Station City Ratia, District Fatehabad.

2. The abovementioned FIR came into being at the instance of 'ASI Ram Avtar', who reported that on 04.02.2026, when he was leading a team of police officials deputed for prevention of narcotics activities, he received a tip-off from a reliable source that a doctor at Budhlada Wala Hospital, Azad Market, Ratia, was involved in the activities of selling intoxicating tablets without prescription. According to above-named police



officer, in view of abovementioned information he informed his senior police officer and requested that the Drug Control Officer be deputed in the raiding party. The above-named police officer further stated that in view of abovementioned report, Dr. Deep Singh, Medical Officer, Civil Hospital Ratia was deputed to join the raiding party and while complying with Section 42 of NDPS Act, a raid was conducted by a team comprising of abovesaid police officer, Dr. Deep Singh, Medical Officer, Dr. Navjot, Medical Officer and Jitpal Singh, Pharmacy Officer.

3. It is the case of the prosecution that when the abovementioned team visited the hospital, a person sitting on doctor's seat was found, who disclosed his name as 'Amarjeet Singh @Amar' resident of Ratia. As per prosecution, he further disclosed that he was running the abovementioned hospital jointly with Dr. Vinod Sharma and the present petitioner. According to above-named police officer, thereafter the hospital was checked in the presence of Amarjeet Singh and during the course of checking, when the raiding party visited a room, Dr. Vinod Sharma and Naresh Kumar (petitioner herein) were found in that room, and during search, intoxicating tablets and injections were recovered from an *almirah* kept in the room. The details of abovesaid *almirah* are as under:-

- 155 strips of Alprazolam Tablets IP 0.5 mg (each strip containing 10 tablets) and one strip containing 9 tablets, totaling 1559 tablets, labeled NRX Alprazolam IP 0.5 mg (ALPRASAFE 05), Batch No.PCCAB1175, manufactured in May 2024, expiring April 2027, manufactured by Pure & Cure Healthcare Pvt. Ltd. (a subsidiary of Akums Drugs &



Pharmaceuticals Ltd.), Haridwar, Uttarakhand. Total weight including strips: 321 grams.

- 44 strips of Alprazolam Tablets IP 0.5 mg (10 tablets each), totaling 440 tablets, labeled NRX Alprazolam (Zocalam 0.5), Batch No.Nr/25119, manufactured November 2025, expiring April 2028, manufactured by SBS Biotech, Kala Amb, District Sirmour. Total weight: 121 grams. Bill No.L1115 dated 02.01.2026 from Shri Jambheshwar Medical Agency, Fatehabad.
- 8 strips (80 tablets) of Chlordiazepoxide 10 mg + Trifluoperazine 1 mg (Libran Plus-1), Batch No.NR/250811, manufactured August 2025, expiring January 2028, total weight: 20 gms,
- 86 strips (860 tablets) of Chlordiazepoxide 10 mg + Trifluoperazine 1 mg (Pacifi), Batch No.TF-25083, manufactured June 2025, expiring November 2028, total weight: 199 grams.
- 5 strips (50 tablets) of Chlordiazepoxide + Trifluoperazine (Tensinil), Batch No.MST-1300, manufactured April 2023, expiring February 2025, total weight: 16 grams.
- 23 Diazepam injections (Batch No.NR/293, manufactured March 2024, expiring February 2026), total weight including box : 135 grams, with bill.
- 9 Tramadol injections (Batch No.AQI-44009, manufactured September 2024, expiring August 2027), total weight including wrapper: 44 grams, with bill.

4. It is the case of the prosecution that when the documents with regard to abovementioned medicines were asked, three bills were produced,



but other bills were not there, and thus, the abovementioned tablets were seized and the FIR in question was registered.

5. The learned State Counsel has filed reply. The same be taken on record.

6. Heard.

7. It has been contended by learned Senior Counsel for the petitioner that the petitioner has nothing to do with the business of Budhlada Wala Hospital, and that he is a person, who is running his own educational institution. According to learned Senior Counsel for the petitioner, with regard to role attributed to the petitioner, the prosecution case itself is self-contradictory as in the FIR, it has been alleged that the petitioner was working as a helper in the hospital, but in the disclosure statement of the petitioner, it has been mentioned that he was a partner in the hospital. As per learned Senior Counsel for the petitioner, it is far from believable that the owner of an educational institution would work as a helper in a small hospital.

8. It has been further contended by learned Senior Counsel for the petitioner that the disclosure statement of petitioner shows that as per abovesaid statement, he was a partner of abovementioned hospital. However, in order to prove the abovementioned fact, no documentary evidence, whatsoever, has been collected by the Investigating Agency.

9. It has also been contended by learned Senior Counsel for the petitioner that CCTV footage of the incident is available on record and the



abovementioned CCTV footage shows that the petitioner arrived during the course of raid, but as per story set-out by the prosecution, he was already present in the hospital when the raid was conducted. While claiming that nothing has been recovered from the possession of petitioner, and that the petitioner is a person of clean antecedents, the benefit of bail for the petitioner has been sought.

10. The learned State Counsel has controverted the abovementioned arguments. According to learned State Counsel, specific role has been attributed to the petitioner in the commission of crime, being a partner in the hospital, and that the petitioner was responsible, for the illegal activities going on in the hospital and that he had tried to intervene in the working of the raiding party, and therefore, he is not entitled for the benefit of bail.

11. The record has been perused carefully.

12. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration for a decision: -

- i) that the petitioner is already in custody for a period of more than one-and-a-half month;
- ii) that, as per learned counsel for the petitioner, the petitioner has clean antecedents;
- iii) that the prosecution of the petitioner and his co-accused is under Section 22(c) of NDPS Act and no other Section/Act has been invoked in this case;



- iv) that there is nothing on record to show that the petitioner has got any relationship with the ownership or working of Budhlada Wala Hospital;
- v) that case of the prosecution is self-contradictory as in paragraph No.11 of the reply it has been mentioned that the petitioner was working as a helper in the hospital, but as per disclosure statement of petitioner, he was a partner in the hospital;
- vi) that nothing has been left to be recovered from the possession of petitioner;
- vii) that the trial is not likely to be concluded in near future;
- viii) that the detention of the petitioner in judicial lockup is not likely to serve any purpose;
- ix) that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses; and
- x) that there is nothing on record to show that if released on bail, the petitioner will not participate/cooperate in the trial.

13. In the present case, the principles of law laid down by the Hon'ble Supreme Court of India in the case of "Dataram versus State of Uttar Pradesh and another", 2018(2) R.C.R. (Criminal) 131, are also relevant, wherein it has been observed that "a fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences.



Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case”.

14. The principles laid down by the Hon’ble the Supreme Court of India in the case of ‘Satender Kumar Antil Vs. Central Bureau of Investigation and Another’, (2022) 10 SCC 51, are also relevant in this case. In the abovementioned case, it has been observed that “the rate of conviction in criminal cases in India is abysmally low. It appears to us that this factor weighs on the mind of the Court while deciding the bail applications in a negative sense. Courts tend to think that the possibility of a conviction being nearer to rarity, bail applications will have to be decided strictly, contrary to legal principles. We cannot mix up consideration of a bail application, which is not punitive in nature with that of a possible adjudication by way of trial.



On the contrary, an ultimate acquittal with continued custody would be a case of grave injustice”.

15. Recently, in the case of ‘Tapas Kumar Palit Vs. State of Chhattisgarh’, 2025 SCC Online SC 322, the Hon’ble Supreme Court of India has observed that “if an accused is to get a final verdict after incarceration of six to seven years in jail as an undertrial prisoner, then, definitely, it could be said that his right to have a speedy trial under Article 21 of the Constitution has been infringed”. It has also been observed by the Hon’ble Supreme Court of India in the abovementioned case that “delays are bad for the accused and extremely bad for the victims, for Indian society and for the credibility of our justice system, which is valued. Judges are the masters of their Courtrooms and the Criminal Procedure Code provides many tools for the Judges to use in order to ensure that cases proceed efficiently”.

16. To elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as mandated by Hon’ble Apex court in “Balwinder Singh versus State of Punjab and Another”, 2024 SCC Online SC 4354.

17. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, it leads to a conclusion that the petitioner is entitled for the benefit of bail, and that the present petition deserves to be allowed.



18. Accordingly, without commenting anything on the merits of the case, the present petition is hereby *allowed*. The petitioner is hereby ordered to be released on bail on furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court. However the abovementioned concession shall be subject to following conditions:-

- (i) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority;
- (ii) that the petitioner shall at the time of execution of bond, furnish the address to the Court concerned and shall notify the change in address to the trial Court, till the final decision of the trial; and
- (iii) that the petitioner shall not leave India without prior permission of the trial Court.

(SURYA PARTAP SINGH)
JUDGE

23.03.2026
Gaurav Thakur

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No