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

**CRM-M No.15083 of 2026
Date of Decision: 29.04.2026**

Shubh Narain

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Amit Khari, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

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.573, dated 14.09.2024, under Sections 20 and 29 of NDPS Act, registered at Police Station Samalkha, District Panipat.

2. Succinctly, the facts of the case are that the police party while on patrolling on 14.09.2024, received a secret information to the effect that Shubh Narain, i.e. the petitioner and Mohit were going to Samalkha from the side of village Raxaheda in their car make Maruti Ertiga bearing registration No.HR-42G-0465. It was informed that they were carrying narcotics substance in the car and in case of barricading, they could be apprehended along with the contraband. On receiving the secret



information, the barricading was laid at the place as disclosed in the secret information. The car, as disclosed in the secret information, was seen coming. However, on suspicion, the same was stopped. The driver of the car, disclosed his name to be Mohit and the person sitting on the conductor seat disclosed his name to be Shubh Narain, i.e. the petitioner. They were suspected to be carrying some contraband in the car and thus, search of the car was conducted. On conducting the search of the car, one transparent polythene from the back side of the conductor seat was recovered. On conducting the search of the polythene bag, 1 Kg 930 grams of Charas was recovered. They failed to produce any licence regarding the conscious possession of the same and thus, the FIR was registered and both were arrested on the spot. On registration of the FIR, the investigation commenced. The samples taken were sent to the FSL. On completion of the investigation, the challan was presented and on framing of charges, the trial commenced. The petitioner approached the Court of learned Additional Sessions Judge, Panipat praying for the grant of regular bail. However, after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge, Panipat declined the bail application filed by the petitioner vide order dated 08.09.2025. 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 for 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 but there is a blatant 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 neither the petitioner is the owner of the car nor he was driving the same and thus, even the conscious possession is not proved as the alleged recovery of 1 Kg 930 grams of *Charas* has been effected from the rear seat of the car. To buttress his arguments, learned counsel for the petitioner has submitted that the petitioner has no criminal antecedents as he has never been involved in any other criminal case. He has submitted that the petitioner is behind bars from last more than 1½ years, however, till date, the prosecution has not been able to examine even a single witness and, thus, his right of speedy trial has been miserably defeated. He has submitted that in the facts and circumstances, the petitioner deserves to be granted regular bail.

4. Status report dated 17.04.2026 by way of an affidavit of Harshit Goel, IPS, Assistant Superintendent of Police, Samalkha, Panipat on behalf of the respondent-State has been filed by learned State counsel today in the Court, which is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

5. *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. He has submitted that on due compliance of statutory provisions of NDPS Act, the alleged recovery of 1 Kg 930 grams of *Charas* was effected from the car in which the petitioner along with the co-accused, namely, Mohit was travelling. He has submitted that the alleged



recovery effected in the present case falls under the category of commercial quantity and, thus, the provisions of Section 37 of NDPS Act are attracted. He, on instructions, has submitted that out of total 16 prosecution witnesses, no witness has been examined so far. He has produced custody certificate of the petitioner today in the Court, which is taken on record.

6. Heard.

7. On hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner in the present case was arrested on the spot on 14.09.2024. Admittedly the case of the prosecution is based on the secret information. The alleged recovery in the present case weighs 1 Kg 930 grams of Charas was effected from the public place, which is commercial in nature. There is a violation of mandatory provisions of Sections 42 and 50 of NDPS Act as contended by learned counsel for the petitioner. Custody certificate produced would show that the petitioner has suffered an incarceration of 01 year, 07 months and 08 days as on 28.04.2026. It further reflects that the petitioner is not involved in any other case. Out of total 16 prosecution witnesses, no witness has been examined so far.

8. 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.”*

9. 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.

10. 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.

11. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

29.04.2026

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(RAJESH BHARDWAJ)
JUDGE

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