



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

**CRM-M-19507-2026 (O&M)
Date of decision : 25.05.2026**

Mangi Lal

.....Petitioner

versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Jashandeep Singh Sandhu, Advocate
for the petitioner.

Mr. Raj Karan Singh, AAG, 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.05 dated 14.01.2025, under Section 15(c) of the NDPS Act, 1985, registered at Police Station Kabarwala, District Sri Muktsar Sahib, Punjab.

2. Succinctly, facts of the case are that on 14.01.2025, when the police party in connection with checking of suspicious substance reached near T Point Burj Sidhwa, one horse trolley was seen coming from the Abohar side. The said vehicle was stopped. The same was driven by a hair cut person and another hair cut person was sitting beside him. They tried to escape but were apprehended on the spot. On asking, the driver of the vehicle disclosed his name as Jagdish Kumar son of Narain Ram and the person sitting beside him, disclosed his name as Maggi Lal (present petitioner) son of Morme Raj. They were suspected to be carrying some contraband. Hence, their search was conducted. On conducting the search of the vehicle, 10 bales were recovered from the rear side out of which 09 bales were black in colour and 01 bale was white in colour. After opening



the mouths of these bales, poppy husk was recovered from the same. On weighing each bale, 25/25 kg of poppy husk and including plastic total 250 kg of poppy husk was recovered. They failed to produce any licence regarding the possession of the same. Thus, the FIR was registered and investigation commenced. Petitioner was arrested on the spot i.e. on 14.01.2025. He approached the Court of learned Judge, Special Court, Sri Muktsar Sahib praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 27.08.2025. Hence, being aggrieved, petitioner is before this Court praying for grant of regular bail by way of filing the present petition.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely and frivolously implicated in the present case. He has contended that the petitioner was alleged a cleaner of the trolley from which, 250 kgs of poppy husk was recovered. He has contended that the conscious possession of the petitioner in itself is not even proved. He has submitted that the recovery effected is in blatant violation of provisions of Section 50 of the NDPS Act. To buttress his arguments, learned counsel for the petitioner has contended that the petitioner has no criminal antecedents and he has been in custody for the last one year. He thus, submits that in the facts and circumstances of the case, the petitioner deserves to be granted regular bail.

4. Learned State counsel vehemently opposed the submissions made by learned counsel for the petitioner. He has submitted that the trolley was stopped for its checking by the police and on conducting the search of the trolley, 250 kgs of poppy husk was recovered which is a



commercial quantity and thus, the provisions of Section 37 of the NDPS Act are attracted in this case. He has submitted that the petitioner was found to be a cleaner of the trolley. He has submitted that the petitioner was arrested on the spot. He, on instructions, has submitted that out of 35 prosecution witnesses, none has been examined till date. He has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the recovery was effected from the trolley. Petitioner was found to be a cleaner of the trolley. There is violation of provisions of Section 50 of the NDPS Act as has been vehemently contended. It is also contended that the conscious possession of the petitioner is not proved. Custody certificate filed by the State shows that the petitioner has undergone incarceration of 01 year, 04 months and 01 day as on 23.05.2026. It further reflects that the petitioner has no criminal antecedents as he has not been involved in any other case. As submitted, out of 35 prosecution witnesses, none has been examined so far. There is no gainsaying that the right of the speedy trial is the fundamental right of every accused.

6. 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 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.

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21it 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.

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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.'*

7. 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. 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. 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.

25.05.2026
m.sharma

(RAJESH BHARDWAJ)
JUDGE

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