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

CRM-M No.18990 of 2026 (O&M)

Date of Decision: 16.04.2026

Ravi @ Akash

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Ajay Pal Singh Rehan, Advocate
for the petitioner.

Mr. Kuljinder Dhindsa, AAG, Punjab.

RAJESH BHARDWAJ, J. (ORAL)

CRM-15120-2026

Allowed as prayed for.

CRM-M-18990-2026

1. Present third petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.25, dated 25.03.2025, under Section 22 of NDPS Act (Section 29 of NDPS Act added later on), registered at Police Station Garhdiwala, District Hoshiarpur.

2. Succinctly, the facts of the case are that the police party was on patrolling on 25.03.2025 and when they reached near village Sarhala, they saw one person coming on the foot, who on seeing the police, got perplexed and threw a light green colour bag on the road side and tried to



turn back. He, on suspicion, was apprehended by the police party. On asking, he disclosed his name to be Vansh. He was suspected to be carrying some contraband in the light green colour bag being thrown by him and thus, search of the same was conducted. On conducting the search of the bag, 265 grams of intoxicating substance was 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. On registration of the FIR, the investigation commenced. The samples taken were sent to the FSL. On receipt of FSL, the contraband recovered weighs 265 grams of Tramadol Hydrochloride. During the investigation, complicity of the petitioner surfaced and thus, he was arrayed as an accused in the present case. Resultantly, the petitioner was surrendered on 03.07.2025. On completion of the investigation, the challan was presented and on framing of charges, the trial commenced. The petitioner approached the Court of learned Judge, Special Court, Hoshiarpur 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, Hoshiarpur declined the bail application filed by the petitioner vide order dated 14.11.2025. Being aggrieved, the petitioner earlier approached this Court praying for the grant of regular bail by way of filing CRM-M-47406-2025 and CRM-M-60425-2025, however, the same were dismissed vide orders dated 02.09.2025 and 04.11.2025, respectively. Hence being aggrieved, the petitioner is again before this Court praying for the grant of regular bail by way of filing the present third petition.



3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. He has submitted that the alleged recovery of 265 grams of Tramadol Hydrochloride has been effected from the co-accused, namely, Vansh. He has submitted that during the investigation, the petitioner has been implicated in the present case on the basis of disclosure statement of co-accused, namely, Vansh, which in itself is not even an admissible evidence. He has submitted that the co-accused, namely, Vansh, is a juvenile, from whom the recovery has been effected, has already been granted the concession of bail. He has submitted that the petitioner has been falsely implicated in other cases, however, he is on bail in those cases. He has submitted that the petitioner is behind bars since 03.07.2025, however, there is no material progress in the trial. 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 complicity of the petitioner has been prima facie established during the investigation as he was the supplier of the contraband. He has submitted that the recovery of 265 grams of Tramadol Hydrochloride was effected in the present case from the co-accused, namely, Vansh. He has submitted that the recovered contraband is commercial in nature and thus, the provisions of Section 37 of NDPS Act are attracted. He has submitted that the petitioner is a habitual offender, who is involved in 04 other cases. He, on instructions, has submitted that



out of total 14 prosecution witnesses, only 03 witnesses have been examined so far. 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 petitioner in the present case was arrested in the present case on 03.07.2025. The alleged recovery in the present case weighing 265 grams of Tramadol Hydrochloride was effected from the co-accused, namely, Vansh, which is commercial in nature. The petitioner was arrayed as an accused in the present case on the basis of disclosure statement of co-accused. Custody certificate produced would show that the petitioner has suffered an incarceration of 09 months and 11 days as on 14.04.2026. It further reflects that the petitioner is involved in 04 other cases, however, in 01 case, he has been discharged. Out of total 14 prosecution witnesses, only 03 witnesses have 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. However, if the petitioner does not furnish the bail bonds within seven days from today, then his further custody period after one week will not be counted in this case.

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

16.04.2026

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(RAJESH BHARDWAJ)
JUDGE

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