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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.20580 of 2026
Date of Decision: 29.04.2026

Santraj

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Yashveer Kharb, Advocate
for the petitioner.

Ms. Diya Sodhi, Sr. DAG, Haryana.

RAJESH BHARDWAJ, J. (ORAL)

1. Present second petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.200, dated 19.07.2024, under Sections 20(b)(ii)C and 29 of NDPS Act, registered at Police Station Baruda, District Sonapat.
2. Succinctly, the facts of the case are that the police party while on patrolling on 19.07.2024, received a secret information to the effect that Santraj, who was wearing white kurta pajama, was carrying a large quantity of Charas in the lane in front of his house in village Chhataihra and was trying to sell the same to his customers. It was informed that in case of raid, he could be apprehended along with the contraband. On receiving the secret information, the raiding party was constituted and



reached the place as disclosed in the secret information. The person, as disclosed in the secret information, was seen there, who, on seeing the police got perplexed and tried to escape from there. He was carrying a white, green and yellow coloured plastic bag (katta). However, on suspicion, he was apprehended by the police party. On asking, he disclosed his name to be Santraj, i.e., the petitioner. He was suspected to be carrying some contraband in the plastic bag being carried by him and thus, his search was conducted. On conducting the search of the bag, 2 Kgs 832 grams of Charas 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 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, Sonipat 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, Sonipat declined the bail application filed by the petitioner vide order dated 04.02.2025. Being aggrieved, the petitioner earlier approached this Court praying for the grant of regular bail by way of filing CRM-M-15186-2025, however, the same was dismissed as withdrawn vide order dated 17.09.2025. Hence being aggrieved, the petitioner is again before this Court praying for the grant of regular bail by way of filing the present second 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 there is a violation of mandatory provisions of Section 50 of NDPS Act as well in conducting the search as the conscious possession of the petitioner in itself is also not proved. 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 and thus, his false implication is writ large. He has submitted that the petitioner is behind bars from last more than 1 year and 09 months, however, till date, not even a single witness has been examined. 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. She has submitted that the petitioner was specifically named in the secret information. She has submitted that on conducting the search of the bag being carried by the petitioner, the recovery of 2 Kgs 832 grams of Charas was effected. She has submitted that the recovered contraband is commercial in nature and thus, the provisions of Section 37 of NDPS Act are attracted. She, on instructions, has submitted that out of total 24 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.

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 on the spot on 19.07.2024. Admittedly the case of the prosecution is based on the secret information. The alleged recovery in the present case weighing 2 Kg 832 grams of Charas was effected, 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, 09 months and 09 days as on 27.04.2026. It further reflects that the petitioner is not involved in any other case. Out of total 24 prosecution witnesses, no witness has 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. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

29.04.2026 <i>rittu</i>	(RAJESH BHARDWAJ)	
	JUDGE	
	Whether Speaking/Reasoned :	Yes/No
	Whether Reportable :	Yes/No