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

**CRM-M No.22544 of 2026
Date of Decision: 29.04.2026**

Ajil Kumar @ Bhiri

.....Petitioner

versus

State of Punjab

..... Respondent

**CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Jasinder Singh Sekhon, Advocate
for the petitioner.

Mr. Raj Karan Singh, Asstt. A.G., 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.115, dated 06.07.2024, under Sections 21, 22, 29, 61 of NDPS Act, 1985, registered at Police Station Garhshankar, District Hoshiarpur, Punjab.

2. Succinctly, the facts of the case are that the police party was on patrolling on 06.07.2024 and when they reached near Banga Road from T-Point village Dero main gate Garhshankar, they saw one young man and a woman standing with a bullet motorcycle. On seeing the police, they got perplexed and started escaping on their motorcycle. While escaping, driver of the motorcycle threw a black colour bag on the left side of the road whereas the woman threw a purse, which she was holding in her hand. The police chased them and thereafter, both of them were



apprehended. Driver of the motorcycle, on asking, disclosed his name to be Ajit Kumar @ Bhiri (petitioner), whereas the woman disclosed her name to be Rajwinder Kaur. The bag and purse thrown by them were searched. On searching the black colour bag thrown by Ajit Kumar @ Bhiri (petitioner), Rs.1 Lac drug money, one I phone 7, two polythene envelopes, i.e. black and white colour were recovered. From the search of white colour envelope, 210 grams of heroin was recovered and from the search of black colour envelope, 06 strips each containing 15 intoxicant tablets mark Etozolam, weighing 0.5 mg were recovered. Whereas from the search of the purse thrown by the petitioner, 12 Buprenorphine injections were recovered. They failed to produce any licence regarding the conscious possession of the same, 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 receipt of FSL report, the challan was presented and on weighing the injections recovered from the petitioner, the same was found to be 24 ml. The petitioner approached the Court of learned Judge, Special Court, Hoshiarpur praying for grant of bail, however, after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Hoshiarpur declined the petition filed by the petitioner vide order dated 17.09.2024. 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, at the outset, prays for the grant of regular bail on the basis of parity with that of the co-accused, namely, Rajwinder Kaur. He has drawn the attention of this Court to the order dated 21.08.2025 passed by this Hon'ble Court in **CRM-M**



No.44456 of 2025, whereby co-accused of the petitioner, namely, Rajwinder Kaur, has been granted the concession of bail. He has submitted that case of the petitioner is at par with that of the co-accused, who has been granted bail by this Court. He submits that on the basis of the parity, the petitioner deserves to be granted bail.

4. Learned counsel for the State has endorsed the factum of grant of bail to the co-accused of the petitioner as stated above and has not denied that the case of the petitioner is at par with that of co-accused, namely, Rajwinder Kaur, who has been granted bail by this Court. He has produced custody certificate of the petitioner today in the Court which is taken on record.

5. I have heard learned counsel for the parties and perused the record with their able assistance.

6. On hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner was arrested in the present case on the spot on 06.07.2024 and since then, he is behind bars. Recovery effected in the present case was Rs. 1 Lakh as drug money, 210 grams of heroin and 90 tablets containing Etozolam. Further recovery of 24 ml of Buprenorphine effected in the present case falls under the category of commercial quantity. Admittedly, co-accused of the petitioner, namely, Rajwinder Kaur, had already been granted bail by this Court vide order dated 21.08.2025 passed by this Court in **CRM-M-44456-2025**. Custody certificate produced would show that the petitioner has suffered an incarceration of 01 year, 09 months and 17 days as on 28.04.2026. It further reflects that the petitioner is involved in 02 other cases, however in 01 of the case, he is on bail.



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. xxxxxx

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. The trial of the case will take sufficiently long time.
9. 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 on the basis of parity.
10. Accordingly, the present petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate. 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.