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

**CRM-M No.21945 of 2026 (O&M)
Date of Decision:04.05.2026**

Aman

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Geeteshwar Saini, Advocate and
Mr. Lakshay Mahajan, Advocate
for the petitioner.

Mr. Ekompal Sagoo, AAG, Punjab.

RAJESH BHARDWAJ, J. (ORAL)

CRM-17243-2026

Allowed as prayed for.

CRM-M-21945-2026

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.0009, dated 18.01.2025, under Sections 21 & 61 of NDPS Act (Section 29 of NDPS Act added later on), registered at Police Station Shri Hargobindpur, District Batala.
2. Succinctly, the facts of the case are that the police party while on patrolling on 18.01.2025, saw one young person coming on foot from the side of Batala road inside the Grain Market, who was carrying a black



colour bag. On seeing the police, he got perplexed and tried to ran away, however, on suspicion, he was apprehended by the police party. On asking, he disclosed his name to be Aman. He was suspected to be carrying some contraband in the bag being carried by him and thus, search of the same was conducted. On conducting the search of the bag, 550 grams of heroin 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 the FSL report, the challan was presented and on framing of charges, the trial commenced. The petitioner approached the Court of learned Judge, Special Court, Gurdaspur 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, Gurdaspur declined the bail application filed by the petitioner vide order dated 10.04.2026. 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 the alleged recovery has been effected from the public place, where the petitioner was said to be coming on foot, but no independent witness has been joined. He has submitted that there is a blatant violation of mandatory provisions of Section 50 of NDPS Act. He has further submitted that the conscious possession of the alleged recovery is also not



proved. He has submitted that the petitioner has been falsely implicated in other cases as well, however, he is on bail in those cases. He has submitted that the petitioner is behind bars since 18.01.2025. To buttress his arguments, learned counsel for the petitioner has submitted that challan in the present case has been presented on 17.07.2025 and the charges have been framed on 22.08.2025 but till date, not even a single witness has been examined. He has thus submitted that his fundamental 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. *Per contra*, learned counsel for the State has vehemently opposed the submissions made by learned counsel for the petitioner. He has submitted that the recovery of 550 grams of heroin has been effected from the petitioner and thus, he was arrested on the spot. He has submitted that the recovery effected from the petitioner 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 10 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 was arrested in the present case on 18.01.2025. The alleged recovery of 550 grams of heroin has been effected from the public place. The challan was presented on 17.07.2025,



whereas the charges have been framed on 22.08.2025 but till date not even a single witness has been examined. The violation of mandatory provisions of Section 50 of NDPS Act is there as submitted by learned counsel for the petitioner. Custody certificate produced would show that the petitioner has suffered an incarceration of 01 year, 03 months and 09 days as on 02.05.2026. It further reflects that the petitioner is involved in 06 other cases, however, in 01 case, he has been acquitted and in 01 case, he has completed his sentence. Out of total 10 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.

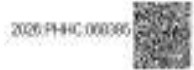
22. xxxxx

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.

9. 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. 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.

04.05.2026		(RAJESH BHARDWAJ)
<i>rittu</i>		JUDGE
	Whether Speaking/Reasoned :	Yes/No
	Whether Reportable :	Yes/No