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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.22682 of 2026
Date of Decision:19.05.2026

Amritpal Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Narender Kaajla, 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.75, dated 03.04.2024, under Section 20-C of NDPS Act, 1985 (Section 29 of NDPS Act added later on), registered at Police Station Sadar Ratia, District Fatehabad.
2. Succinctly, the facts of the case are that the police party while on patrolling on 03.04.2024, received a secret information to the effect that Prakash and Ranjeet are involved in the business of smuggling of Cannabis (Ganja) and they collect the contraband in large quantity for further sell the same. It was informed that Prakash and Ranjeet have brought huge quantity of cannabis and kept the same in a rented accommodation for sell



and in case of raid, they 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. Two young boys were seen coming out of the house on a motorcycle with a loaded plastic white coloured sack kept between them. However, with the help of the police officials, they were apprehended on the spot along with the plastic sack, which they were carrying on the motorcycle. On asking, driver of the motorcycle disclosed his name to be Prakash and the person sitting pillion disclosed his name to be Ranjit. 08 more filled white plastic bags were seen kept inside the house near the gate. They were suspected to be carrying some contraband in all the bags and thus, search of the same was conducted. On conducting the search of all the bags, 284 Kgs 800 grams of Cannabis (Ganja) was 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. During the investigation, complicity of the petitioner surfaced as he was the supplier of the contraband, and thus, he was arrayed as an accused in the present case. Resultantly, the petitioner was arrested on 17.07.2024. On completion of the investigation, the challan was presented and on framing of charges, the trial commenced. The petitioner approached the Court of learned Special Judge, Fast Track under NDPS Act, Fatehabad praying for the grant of regular bail. However, after hearing both the sides and finding no merit in the same, the learned Special Judge, Fast Track under NDPS



Act, Fatehabad declined the bail application filed by the petitioner vide order dated 18.01.2025. Being aggrieved, the petitioner earlier approached this Court praying for the grant of regular bail by way of filing CRM-M-13111-2025, however the same was dismissed as not pressed vide order dated 06.08.2025. 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 as per the case of the prosecution, secret information was received qua the co-accused, namely, Prakash and Ranjeet that they were involved in the business of smuggling of Cannabis and, thus, on the basis of the secret information, raid was conducted and 284 Kgs 800 Grams of Cannabis (Ganja) was recovered. He has submitted that neither the petitioner was named in the FIR nor any recovery has been effected from him, however, he has been roped in the present case on the basis of disclosure statement of co-accused on the allegation that he provided the accommodation to the co-accused for storing the contraband. He has submitted that the recovery has been effected from the rented accommodation but there is no rent agreement in favour of the petitioner, thus, the conscious possession of the petitioner is also not proved. He has submitted that the disclosure statement of co-accused in itself is not even an admissible evidence. He has submitted that though the petitioner was falsely implicated in 02 other cases, however, in 01 of the case, he has already undergone the sentence



whereas in another case, he is on bail. He has submitted that the petitioner is behind bars from last more than 1½ years, however, till date there is no material progress in the trial and thus, his 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. She has submitted that the recovery effected in the present case from the co-accused is 284 Kgs 800 Grams of Cannabis (Ganja), which is a commercial quantity, and, thus, the provisions of Section 37 of NDPS Act are attracted. She has submitted that though the secret information was received about the co-accused, namely, Prakash and Ranjeet, however, this recovery was effected from the house, which was a rented accommodation of the petitioner. Besides this, there are call detail records of the petitioner with the co-accused, which prove the culpability of the petitioner. She, on instructions, has submitted that out of total 38 prosecution witnesses, only 02 witnesses have been examined so far. She 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 17.07.2024. The alleged recovery in the present case of 284 Kgs 800 grams of Cannabis (Ganja) has been effected from the co-accused. The secret information was also regarding the co-accused. The petitioner has



been alleged to have facilitated the storing of the contraband. It has vehemently contended before this Court by learned counsel for the petitioner that the conscious possession was not proved and there is no evidence connecting the petitioner with the alleged place from where the recovery of the contraband has been effected. Custody certificate produced would show that the petitioner has suffered an incarceration of 01 year, 08 months and 13 days as on 14.05.2026. It further reflects that the petitioner is involved in 02 other cases, however, in 01 case, he is on bail and in other case, he has already undergone the sentence. Out of total 38 prosecution witnesses, 02 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.

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.

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

19.05.2026

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(RAJESH BHARDWAJ)
JUDGE

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