



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

**CRM-M-24046-2026
Date of decision : 05.05.2026**

Sahil @ Billu

....Petitioner

versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Satnam Singh Gill, Advocate
for the petitioner.

Ms. Diya Sodhi, Senior DAG, Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed by the petitioner praying for grant of regular bail in case FIR No.241 dated 10.09.2025, under Section 15 of the NDPS Act, 1985 (Section 29 of NDPS Act, 1985 and Section 238(a) of BNS, 2023 Act added later on), registered at Police Station Cheeka, District Kaithal.

2. Succinctly, facts of the case are that on 10.09.2025, the police party while on patrolling, when reached Cheeka-Bhewa road, village Harigarh Kingan, a secret informer, informed that a person namely Jai Bhagwan @ Jaiba, was into the business of sale and purchase of doda post (poppy husk) and the said contraband was kept in his vehicle bearing registration No. HR27G-6439. The accused would be going in his vehicle to sell the same and could be apprehended if a naka was set up. Finding the said information reliable, raiding team was constituted. The police reached at the disclosed place where they saw a person sitting in car as disclosed and thus, on suspicion, he was apprehended. On asking, he disclosed his name as Jai Bhagwan @ Jaiba. He was suspected to be carrying some contraband.

Hence, the search was conducted. On search of the vehicle, three plastic bags



were recovered which contained doda post (poppy husk). On weighing, the total weight of doda post (poppy husk) in the three bags was found to be 61 kgs 100 grams. Disclosure statement of Jai Bhagwan was recorded. In his disclosure statement, he submitted that he had purchased 70 kgs of doda post (poppy husk) @ Rs.8,000/- per kg from a person namely, Mohit. Thereafter, in his second disclosure statement, he stated that in the evening of 09.09.2025, he had purchased 1 quintal of doda post @ Rs.3,200/- per kg for a total amount of Rs.3,20,000/- from petitioner-accused Sahil (present petitioner) and co-accused Babli. Thus, the FIR was registered and investigation commenced and resultantly, petitioner was arrested on 13.09.2025. On completion of investigation, challan was presented. On framing the charges, the trial commenced. The petitioner approached the learned Additional Sessions Judge, Kaithal praying for grant of regular bail. However, after hearing both the sides, the same was declined vide order dated 06.04.2026. Being aggrieved, the petitioner is before this Court by way of filing the present petition praying for grant of bail.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case. He has submitted that the recovery of 61 kg 390 grams of doda (poppy husk) has been effected from co-accused, namely, Jai Bhagwan @ Jaiba. He has submitted that the petitioner has been implicated in the present case on the basis of disclosure statement of co-accused, which is not even an admissible evidence. He has submitted that no recovery has been effected from the petitioner. He has submitted that the petitioner has no criminal antecedents as he has never been involved in any other case. He thus, has prayed that the petitioner deserves to be granted regular bail.



4. Learned State counsel, on the other hand, has opposed the submissions made by learned counsel for the petitioner. She has contended that during investigation, the complicity of the petitioner surfaced on the basis of disclosure statement of the co-accused, namely, Jai Bhagwan @ Jaiba, from whom the contraband was recovered, and the present petitioner was found to be the supplier of the poppy husk and was paid an amount of Rs.3,20,000/- for the same. She has also submitted that from the verification of the Call Detail Records, the complicity of the petitioner stands established. She has submitted that the recovery effected in the present case is 61 kg 390 grams of poppy husk, which is a commercial quantity and thus, the provisions of Section 37 of the NDPS Act are attracted in this case. She, on instructions, has submitted that the charges have been framed and out of 24 prosecution witnesses, none has been examined till date. She has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that admittedly, the recovery in the present case is 61 kg 390 grams from the co-accused, namely, Jai Bhagwan @ Jaiba. The petitioner has been arrayed as an accused on the basis of the disclosure statement of the co-accused. The quantity of contraband poppy husk (doda post) above 50 kgs is commercial in nature whereas, in the present case, the recovery is more than 61 kgs of poppy husk. Custody certificate filed by the State shows that the petitioner has undergone incarceration of 07 months and 21 days as on 03.05.2026. It further reflects that the petitioner is not involved in any other case. As submitted, out of 24 prosecution witnesses, none has been examined till date.

6. 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 laid down by the Hon'ble Supreme Court. In the abovesaid case Hon'ble Supreme Court expressed its views as under:-

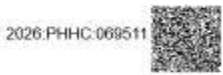
19. A plain and literal interpretation of the conditions under Section 37 (i.e., that Court should be satisfied that the accused is not guilty and would not commit any offence) would effectively exclude grant of bail altogether, resulting in punitive detention and unsanctioned preventive detention as 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.

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21it 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.

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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.'



7. The veracity of the allegations would be assessed only after 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. 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. 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. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

05.05.2026
m.sharma

(**RAJESH BHARDWAJ**)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No