



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

CRM-M-24437-2026

Date of decision : 06.05.2026

Mukesh Kumar @ Sonu

....Petitioner

versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Gurvinder Pal Singh Gujral, Advocate
for the petitioner.

Mr. Raj Karan Singh, AAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed by the petitioner praying for grant of regular bail in case FIR No.87 dated 02.08.2024, under Sections 22, 61, 85 of NDPS Act, 1985, registered at Police Station Dehlon, District Ludhiana.

2. Succinctly, facts of the case are that on 02.08.2024, the police party while on patrolling, were present at Saian Chowk, where a secret informer, informed that a person namely Mukesh Kumar (present petitioner) along with Mohammad Imtiaz, supply the intoxicant bottles and he in vehicle make Bolero Pick Up bearing registration No.PB-10-GH-0232, is going to Malerkotla to hand over the contraband to Mohammad Imtiaz and if barricading is laid, they could be arrested on the spot along with the contraband. Finding the said information reliable, the police reached the place as disclosed and two persons were found travelling in the said Pick Up vehicle. On suspicion, both of them were apprehended. On asking, they disclosed their names as Mukesh Kumar and Mohammad Imtiaz. On conducting the search, 230 bottles of



Triprolidine Hydrochloride and Codeine Phosphate Syrup Kozex were recovered from the said Pick Up vehicle. They failed to produce any license regarding possession of the same and thus, the FIR was registered and both were arrested on the spot. The investigation commenced. On completion of the investigation, challan was presented and charges were framed. Petitioner approached the Court of learned Judge, Special Court, Ludhiana, praying for grant of regular bail. However, after hearing counsel for the parties, learned Judge, Special Court, declined the same vide order dated 30.10.2024. Aggrieved by the same, the petitioner earlier approached this Court by way of filing CRM-M-57401-2024, CRM-M-11553-2025 and CRM-M-56206-2025, however, the same were dismissed as withdrawn vide orders dated 22.11.2024, 22.04.2025 and 14.10.2025. Hence, the petitioner is before this Court by way of filing the present fourth petition.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case. He has contended that admittedly, the case of the prosecution is based on secret information but there is a violation of provisions of Section 42 of the NDPS Act. He has contended that the alleged recovery has been effected from the public place but no independent witness was joined. He has submitted that there is also violation of Section 50 of the NDPS Act. He has submitted that on the very same date, the Pick Up vehicle which though belonged to the petitioner, was stolen and he has sought the information regarding the same, which is evident from Annexure P-2 dated 02.08.2024. He has submitted that the petitioner has no criminal antecedents as he has never been involved in any other case and he is



behind the bars from last more than 1½ years. He has contended that only one witness has been examined so far and there is no likelihood of the trial being concluded in the near future. 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. He has submitted that the petitioner was specifically named in the secret information along with co-accused. He has submitted that the barricading was laid and the petitioner was caught on the spot and 230 vials of Corex containing Triprolidine Hydrochloride and Codeine Phosphate Syrup Kozex were recovered from the Pick Up vehicle in which the petitioner was travelling. He has submitted that the conscious possession of the petitioner is duly proved. He has submitted that the recovered quantity of the contraband weighing 27.83 kg of corex is a heavy commercial quantity and thus, provisions of Section 37 of the NDPS Act are attracted. He, on instructions, has submitted that out of 16 prosecution witnesses, only 01 witness has been examined. He 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 the petitioner was arrested in the present case on 02.08.2024, when the secret information was received. There is a violation of provisions of Sections 42 and 50 of the NDPS Act, as has been vehemently contended before this Court. Petitioner has also pleaded that his Pick Up vehicle was stolen on the aforesaid date. This Court while dealing with the bail petition would refrain itself from commenting anything on the merits of the case as the same lies within the domain of



the trial Court and is to be assessed on appreciation of the evidence. Custody certificate filed by the State shows that the petitioner has undergone actual sentence of 01 year, 08 months and 29 days as on 05.05.2026. It further reflects that the petitioner is not involved in any other case. As submitted, out of 16 prosecution witnesses, only 01 witness has been examined so far.

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. Keeping in view the 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.

06.05.2026
m.sharma

(RAJESH BHARDWAJ)
JUDGE

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