



CRM-M-24733-2026

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

CRM-M-24733-2026

Date of Decision: 07.05.2026

Ravidas

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. P.S.Sekhon, Sr. Advocate with
Mr. Gurinder Singh, Advocate,
for the petitioner.

Mr. Viney Saini, AAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for grant of regular bail to the petitioner in a case FIR No.01 dated 06.01.2025, registered under Sections 20(b)(ii)-C and 29 of NDPS Act, 1985, at Police Station Bawani Khera, District Bhiwani.

2. Succinctly, facts of the case are that on 06.01.2025, the police party while on patrolling received a secret information to the effect that Ravi Dass (petitioner) come to slum area (*jhuggi*) by taking *ganja* with him. It was informed that in case of raid, he could be arrested alongwith the contraband. On receiving the information, the police reached the place as disclosed and a person was seen carrying a plastic bag on his head. On seeing the police, he went inside the *jhuggi*. However, he was apprehended. On asking, he disclosed his name as Ravi Dass (petitioner). On conducting the search of *jhuggi*, three plastic bags containing 58.880 kgs of *ganja* were recovered. He failed to produce any license regarding possession of the same and hence, he was arrested on the spot. The FIR was registered and investigation commenced. On completion of the investigation, challan was



presented and on framing of charges, trial commenced. Petitioner approached the Court of learned Judge, Special Court under NDPS Act, Bhiwani, praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides vide order dated 20.04.2026. Aggrieved by the same, the petitioner is before this Court by way of filing of present petition for grant of bail.

3. It has been vehemently contended by learned Senior Counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case. He submits that the FIR in the present case was lodged on the basis of secret information, but there is violation of Section 42 of the NDPS Act. He submits that the alleged recovery was effected from a public place i.e. *jhuggi*, however, no independent witness has been joined and thus, there is a violation of Section 50 of the NDPS Act as well while conducting search. He submits that the recovered contraband is alleged to be 58.880 kgs of *ganja*, but the same includes the weight of seeds etc. as is evident from FSL report, as the same is not part of the contraband. He contends that the petitioner is behind the bars from the last one year. He submits that though the petitioner is involved in two other cases, however, he is on bail in the same. He, thus, submits that the petitioner deserves to be granted bail.

4. *Per contra*, learned State counsel has vehemently controverted the submissions made by counsel for the petitioner. It is submitted that the petitioner was specifically named in the secret information. He submits that 58.880 kgs of *ganja* was recovered from the petitioner, which falls under the commercial quantity and thus, the provisions of Section 37 of the NDPS



Act, are attracted. On instructions, he has submitted that out of total 22 prosecution witnesses, 09 witnesses have been examined. He further contends that the petitioner faced prosecution in one more case under the NDPS Act, except the cases mentioned in the custody certificate, however, he has been acquitted in the same. 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 as per the case of the prosecution, FIR in the present case was lodged on the basis of secret information. The petitioner was arrested on 06.01.2025. Violation of Sections 42 and 50 of NDPS Act has been vehemently contended before this Court. It is also contended before this Court that weight of the contraband is also disputed as the same includes the weight of other part of the plant, which is to be excluded. The custody certificate would show that the petitioner has suffered incarceration of 01 year & 04 months as on 05.05.2026. It further shows that the petitioner is involved in two more cases, however, he is on bail in the same. Out of total 22 prosecution witnesses, 09 witnesses have been examined.

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 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.

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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 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 sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

8. 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.
9. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

07.05.2026		(RAJESH BHARDWAJ)
sharmila		JUDGE
	Whether Speaking/Reasoned :	Yes/No
	Whether Reportable :	Yes/No