



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

CRM-M-26849-2025

Date of decision : 11.03.2026

Lachhman Singh @ Lashman Singh

....Petitioner

versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Ms. Janya Sirohi, Advocate for
Mr. Karandeep Singh Sidhu, Advocate
for the petitioner.

Mr. Raj Karan Singh, A.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed for grant of regular bail in case FIR No.61 dated 28.04.2023, under Sections 22/61/85 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Guruharsahai, District Ferozepur.

2. Succinctly the facts of the case are that the police party while on patrolling on 28.04.2023, received a secret information to the effect that Lachman Singh (present petitioner) is involved in selling of intoxicant tablets and also in possession of huge quantity of intoxicating tablets. It was informed that he would go to village Bahadar Ke Walla for selling the same to his customers and if the raid is conducted, he could be arrested along with the contraband. On receiving the information, the police reached the place as disclosed. A person was seen coming on a motorcycle. On suspicion, he was stopped. On asking, he disclosed his name to be Lachman Singh (present petitioner). He was suspected to be carrying some contraband, hence, the search was conducted. On



conducting the search, 1500 intoxicating tablets of Tramadol Hydrochloride was recovered from the conscious possession of the petitioner. He failed to produce any license regarding possession of the same and hence, the FIR was registered and he was arrested on spot. The investigation commenced. The samples taken were sent to the FSL. On receipt of FSL report, challan was presented and on framing of charges, trial commenced. The petitioner approached the Court of Learned Judge, Special Court, Ferozepur praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned trial Court vide order dated 29.03.2025. 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 contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. She submits that admittedly, the case of the prosecution is based on the secret information, however, there is violation of provisions of Section 42 of NDPS Act. She submits that the alleged recovery has been effected from a public place, however, no independent witness was joined by the investigating agency. She submits that there is blatant violation of mandatory provisions of Section 50 of NDPS Act as well. She contends that the petitioner is behind the bars from last about 1½ years however, there is no material progress in the trial. She also submits that the false implication of the petitioner is writ large. She submits that though the petitioner is involved in other cases, however, majority of the cases are under the Excise Act and he is on bail in those cases. She thus, submits that the petitioner deserves to be granted bail.

4. Learned State counsel has however, opposed the submissions



made by the counsel for the petitioner and submits that the petitioner was specifically named in the secret information. He submits that the recovery effected from the petitioner is 1500 intoxicating tablets containing Tramadol Hydrochloride and on weighing the same, it was found to be 582 grams, which is a commercial quantity and thus, the provisions of Section 37 of the NDPS Act are attracted in this case. He submits that the petitioner is involved in other cases as well. He, on instructions, has submitted that out of 14 prosecution witnesses, 08 witnesses still remain to be 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 case of the prosecution is based on the secret information. The alleged recovery was effected from the public place. Custody certificate filed by the State shows that the petitioner has undergone an incarceration of 01 year 05 months and 12 days as on 10.03.2026. It further reflects that though the petitioner was involved in 05 other cases, however, in 04 cases, he is on bail and in 01 case, he has been acquitted. As submitted before this Court, out of total 14 prosecution witnesses, 08 witnesses still remain to be examined.

6. 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.

7. In view of the facts and circumstances of the present case, this Court cannot ignore the fact that the speedy trial is the fundamental right of every accused. 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.

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 to the petitioner.

9. 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.

11.03.2026
m.sharma

(**RAJESH BHARDWAJ**)
JUDGE

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