



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

CRM-M-41378-2025

Date of decision : 09.03.2026

Sanu Ram

.....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Ms. Khushboo Ansari, Advocate for
Mr. Satyaveer Singh, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. Petitioner has approached this Court by way of filing the present petition praying for grant of regular bail to him in case FIR No.12 dated 12.01.2024, under Section 15 of the NDPS Act, 1985, registered at Police Station Naraingarh, District Ambala.

2. Succinctly facts of the case are that the police party while on patrolling on 12.01.2024, received a secret information to the effect that Sanu Ram (petitioner) son of late Banarsi Das was involved in selling the poppy husk. It was informed that he has stored heavy quantity of poppy husk in his house and if the raid is conducted, he could be arrested along with the contraband. On receiving the secret information, the police reached at the house of Sanu Ram and broke open the door of the house then one person was found sitting on a cot. On asking, he disclosed his name as Sanu. On suspicion, search of his house was conducted and in total 11 plastic bags of white colour weighing 237 kgs were recovered. He failed to produce any license regarding the possession of the same. Thus,

FIR was registered and petitioner was arrested on the spot. The samples



taken were sent to the FSL. On receiving the report of FSL, challan was presented and on framing of the charges, trial commenced. Petitioner approached the Court of learned Judge, Special Court, Ambala praying for grant of regular bail, however, after hearing counsel for the parties and finding no merits, the same was declined vide order dated 06.08.2024. He earlier approached this Court by way of filing CRM-M-41983-2024 praying for grant of bail however, the same was dismissed as not pressed vide order dated 20.03.2025. Aggrieved by the same, petitioner is before this Court by way of filing the present second petition.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case. She submits that admittedly the case is based on secret information. She further submits that the alleged recovery has been planted upon the petitioner having been effected from the house of the petitioner however, no independent witness has been joined and thus, mandatory provisions of Section 42 of the NDPS Act has not been complied with. She further submits that the conscious possession is also not proved and there is blatant violation of provisions of Section 50 of the NDPS Act. She further submits that the petitioner is behind the bars from the last more than 2 years however, there is no progress in the trial and the right of speedy trial of the petitioner is also miserably defeated in this case. She submits that though the petitioner is involved in one more case, however, he is on bail in that case. She thus, prays for grant of regular bail to the petitioner.

4. Learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner. He submits that the petitioner is specifically named in the secret information. He further



submits that 237 kgs of poppy husk has been recovered from the house of the petitioner, which is a commercial quantity, thus, the provisions of Section 37 of the NDPS Act are attracted in this case. On instructions, he submits that out of 18 prosecution witnesses, no witness has been examined till date. 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 alleged recovery in the present case is on the basis of secret information. The alleged recovery has been effected from the house of the petitioner however, there is no independent witness has been joined. Custody certificate filed by the State shows that the petitioner has undergone incarceration of 2 years, 1 month and 21 days as on 06.03.2026. It further reflects that though the petitioner is involved in one more case, however, he is on bail in that case. As submitted by the State, out of 18 prosecution witnesses, none has been examined so far. Needless to say that every accused has the fundamental right of speedy trial.

6. The Hon'ble Supreme Court in **Ashim @ Asim Kumar Haranath Bhattacharya @ Asim Harinath Bhattacharya @ Aseem Kumar Bhattacharya Vs. National Investigation Agency, 2022(1) SCC 695** has held as under:

“Deprivation of personal liberty without ensuring speedy trial is not consistent with Article 21 of the Constitution of India. While deprivation of personal liberty for some period may not be avoidable, period of deprivation pending trial/appeal cannot be unduly long. At the same time, timely delivery of justice is part of human rights and denial of speedy justice is a threat to public confidence in the administration of justice.”



7. The Hon'ble Supreme Court in a recent decision dated 03.07.2024 in **Javed Gulam Nabi Shaikh Vs. State of Maharashtra, Criminal Appeal No. 2787 of 2024**, has held that howsoever serious a crime may be, an accused has the right to speedy trial under the Constitution of India.

8. 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.'

9. 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.

09.03.2026
m.sharma

(RAJESH BHARDWAJ)
JUDGE

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