



211

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

**CRM-M No.29926 of 2026
Date of Decision:29.05.2026**

Ruksana

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Rahul Rana, Advocate
for the petitioner.

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

RAJESH BHARDWAJ, J. (ORAL)

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.115, dated 17.09.2025, under Section 22/61/85 of NDPS Act, registered at Police Station Jodhan, District Ludhiana.

2. Succinctly, the facts of the case are that the police party was on patrolling on 17.09.2025 and when they reached near the Sem drain village Narangwal, they saw one young girl, who was holding a packet in her hand, coming on foot. On seeing the police party, she got perplexed and threw the packet, which she was holding in her hand on the ground and started walking along the embankment of the sem drain,



however, on suspicion, she was apprehended by the police party. On asking, she disclosed her name to be Ruksana. She was suspected to be carrying some contraband in the packet, thrown by her and thus, search of the same was conducted. On conducting the search of the packet, 40 loose intoxicant tablets were recovered. She failed to produce any licence regarding the conscious possession of the same, thus, the FIR was registered and she was arrested on the spot. On registration of the FIR, the investigation commenced. The samples taken were sent to the FSL. The petitioner approached the learned trial Court praying for the grant of bail, however, she was granted the concession of interim bail due to non receipt of the FSL report but after receipt of the FSL report, the learned trial Court cancelled the bail of the petitioner and she surrendered on 23.02.2026. On receipt of FSL report, the contraband recovered weighs 7.28 grams of Etizolam. On completion of the investigation, the challan was presented and on framing of charges, the trial commenced. The petitioner again approached the Court of learned Judge, Special Court, Ludhiana praying for the grant of regular bail, however after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Ludhiana, declined the bail application filed by the petitioner vide order dated 07.05.2026. Hence being aggrieved, the petitioner is before this Court praying for the grant of regular bail by way of filing the present petition.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely and frivolously implicated in the present case.



He has submitted that the alleged recovery is from the public place, however, no independent witness has been joined. He has submitted that there is a blatant violation of mandatory provisions of Section 50 of NDPS Act. He has submitted that the petitioner is 21 year old girl and she is a student of B.A. and has been implicated in the present case in a clandestine manner. He has submitted that the conscious possession of the petitioner has also not been proved. To buttress his arguments, learned counsel for the petitioner has submitted that the petitioner has no criminal antecedents as she has never been involved in any other case. He has submitted that earlier the petitioner was granted the concession of interim bail by the learned trial Court due to non receipt of the FSL report, however after the receipt of the FSL, her bail was cancelled and she surrendered before the learned trial Court on 23.02.2026 and since then, she is behind bars, however, there is no material progress in the trial. He has submitted that in the facts and circumstances, the petitioner deserves to be granted regular bail.

4. *Per contra*, learned counsel for the State has vehemently opposed the submissions made by learned counsel for the petitioner. He has submitted that on due compliance of the statutory provisions of NDPS Act, the alleged recovery of 7.28 grams of Etizolam was effected from the polythene packet having been thrown by the petitioner. He has submitted that the contraband recovered weighs 7.28 grams of Etizolam, which is a commercial quantity and thus, the provisions of Section 37 of NDPS Act are attracted. He, on instructions, has submitted that out of



total 09 prosecution witnesses, only 01 witness has been examined so far. He has produced custody certificate of the petitioner today in the Court, which is taken on record.

5. Heard.

6. On hearing learned counsel for the parties and perusing the record, it is deciphered that admittedly the petitioner is a girl of 21 years of age, who is a student of B.A. The petitioner is behind behind bars since 23.02.2026 on the allegations of the recovery of 7.28 grams of Etizolam. As submitted before this Court by learned counsel for the petitioner that there is a violation of mandatory provisions of Section 50 of NDPS Act. The recovery effected in the present case is from the public place but no independent witness has been joined. Custody certificate produced would show that the petitioner has suffered an incarceration of 04 months and 11 days as on 28.05.2026. It further reflects that the petitioner is not involved in any other cases. Out of total 09 prosecution witnesses, 01 witness has been examined so far.

7. 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.”

8. 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.

9. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for the grant of bail.

10. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

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

29.05.2026

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(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No