



CRM-M-31138-2025

-1-

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

112**CRM-M-31138-2025**

Date of Decision: 30.04.2026

Satinder Pal

..... Petitioner

Versus

State of Haryana

.....Respondent

113**CRM-M-43333-2025**

Date of Decision: 30.04.2026

Rakesh

..... Petitioner

Versus

State of Haryana

.....Respondent

115**CRM-M-66122-2025**

Date of Decision: 30.04.2026

Kheta Ram

..... Petitioner

Versus

State of Haryana

.....Respondent

231**CRM-M-6743-2026**

Date of Decision: 30.04.2026

Mandeep Kumar @ Punjabi

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr.Aditya Sanghi, Advocate and
Mr. Pradeep Bhardwaj, Advocate for
the petitioner in CRM-M-31138-2025.

Mr. Roshneet Singh Brar, Advocate and
Mr. Prince Pal, Advocate for
Mr. Imaan Singh Khara, Advocate
for the petitioner in CRM-M-43333-2025.

Mr. Sandeep Verma, Advocate,
for the petitioner in CRM-M-66122-2025.

Mr. P.S. Hundal, Sr. Advocate with
Mr. Gursahib Hundal, Advocate,
Ms. Arshpreet Kaur and
Mr. Jasjeet Singh Brar, Advocate, for the petitioner
in CRM-M-6743-2026.

Ms. Diya Sodhi, Sr. DAG, Haryana and
Mr. Tanuj Sharma, AAG, Haryana.

**Rajesh Bhardwaj, J. (ORAL)**

1. By this order, the four above-mentioned petitions are disposed of, all having arisen out of the same FIR.

2. Prayer in the present petitions is for grant of regular bail to the petitioners in a case FIR No.318 dated 29.11.2024 under Sections 15(b)/15(c)/29/27-A of the NDPS Act, at Police Station Ding, District Sirsa.

3. Succinctly, facts of the case are that on 29.11.2024 the police party while on patrolling when reached little ahead of Mochiwali towards Jodhka, they spotted a silver coloured Alto car bearing registration No.HR-29-U-3631 parked on the roadside. On suspicion, search of the car was conducted. On conducting the search of the car, on the rear seat, four black plastic bags containing poppy husk were found. Total weight of the poppy husk in all four plastic bags was found to be 79 kgs 885 grams. Thus, on the registration of the FIR, the investigation commenced. During the investigation, complicity of the petitioners, namely, Satinder Pal (petitioner in CRM-M-31138-2025), Rakesh (petitioner in CRM-M-43333-2025), Kheta Ram (petitioner in CRM-66122-2025) and Mandeep Kumar @ Punjabi (petitioner in CRM-M-6743-2026) surfaced and they were arrested on 19.02.2025, 12.05.2025, 06.06.2025 and 17.05.2025, respectively. They approached the Court of learned Additional Sessions Judge, FTSC, Sirsa, praying for grant of regular bail. However, after hearing both the sides, learned Court finding no merit in the same, dismissed the bail applications filed by the petitioners vide order dated 25.03.2025, 16.07.2025, 16.10.2025 and 16.07.2025, respectively. Hence, the petitioners have approached this Court by way of filing the present petitions.

4. It has been vehemently contended by learned Senior Counsel



and learned counsel for the petitioners that the petitioners have been falsely implicated in the present case. They submit that as per the case of the prosecution, on 29.11.2024 an abandoned car was found parked from which 79 kgs 885 grams of poppy husk was recovered. It is contended that neither the petitioners were present at the time of occurrence, nor any recovery has been effected from them. They contend that conscious possession in itself is not proved. However, during the investigation, one co-accused Harpal Singh was arrested, who made a disclosure statement about petitioner Rakesh and Rakesh further made a disclosure statement about petitioner Mandeep Kumar @ Punjabi. It is further contended that petitioner Kheta Ram got arrested on the disclosure statement made by Mandeep Kumar @ Punjabi and thereafter, petitioner Satinder Pal also got arrested. They have contended that the disclosure statement in itself is not an admissible evidence. They contend that the alleged recovery was effected from a public place and there is blatant violation of Section 50 of the NDPS Act.

It is contended by learned counsel for Satinder Pal that the petitioner has no criminal antecedents. Learned counsel for rest of the petitioners have submitted that though the petitioners are involved in other cases, however, they are on bail in those cases. It is, thus, submitted that in the overall facts and circumstances, the petitioners deserve to be granted regular bail.

5. *Per contra*, learned State counsel has vehemently controverted the submissions made by counsel for the petitioners. It is submitted that complicity of the petitioners was surfaced during investigation. It is submitted that an abandoned car was found from which 79 kgs 885 grams of



poppy husk was recovered and the same falls under the commercial quantity and thus, provisions of Section 37 of the NDPS Act are attracted in this case. She has drawn the attention of this Court to the status report filed. On instructions, she submits that challan has been presented, however, charges are yet to be framed. He has placed on record the custody certificates of the petitioners.

6. After hearing counsel for the parties and perusing the record, it is deciphered that the alleged recovery is from an abandoned car. It is an admitted case of the prosecution that the petitioners before this Court have been arrayed as accused on the basis of the disclosure statement. As per the statutory provisions of NDPS Act, commercial quantity of poppy husk is 50 kgs, whereas, recovery effected in the present case is 79 kgs 885 grams of poppy husk. Investigation is complete and challan has been presented. The custody certificate of petitioner Satinder Pal would show that he has suffered incarceration of 01 year, 02 months & 06 days as on 28.04.2026 and he has no criminal antecedents. The custody certificate of petitioner Rakesh would show that he has suffered incarceration of 11 months & 15 days as on 28.04.2026. It further shows that though he is involved in three more cases, however, he is on bail in the same. The custody certificate of petitioner Kheta Ram would show that he has suffered incarceration of 10 months & 23 days as on 28.04.2026 and he is involved in one more case. The custody certificate of petitioner Mandeep Kuma @ Punjabi would show that he has suffered incarceration of 09 months & 28 days as on 17.03.2026. It further shows that he is involved in 34 more cases, out of which in 10 cases he is on bail, in 12 cases, he has been acquitted and in 03 cases he has undergone the



sentence awarded to him.

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

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.

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



CRM-M-31138-2025

-6-

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. 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 petitioners succeed in making out a case for grant of regular bail to the petitioners.

9. Accordingly, the present petitions are allowed and the petitioners are ordered to be released on bail on their furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

10. It is being clarified that in case the petitioners Mandeep Kumar @ Punjabi and Kheta Ram do not furnish bail/surety bonds within a period of one week from today, his custody will not be counted in the present case after one week.

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

(RAJESH BHARDWAJ)
JUDGE

30.04.2026
sharmila

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