



214

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

**CRM-M No.29999 of 2026
Date of Decision: 29.05.2026**

Jitander Sharma @ Johny

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Gaurav Vir Singh Behl, Advocate
for the petitioner.

Ms. Diya Sodhi, Sr. DAG, Haryana.

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.173, dated 25.07.2024, under Sections 22 & 29 of NDPS Act, registered at Police Station Saha, District Ambala. Further prayer has been made that any relief may kindly be granted to the petitioner during the pendency of the present petition.

2. Succinctly, the facts of the case are that the police party while on patrolling on 25.07.2024, received a secret information to the effect that Dinesh Sharma, who has a medical store in the name of Riya Medicos in front of liquor shop in Saha and he, himself consumes drugs and sells drug capsules, is roaming around his shop in his Maruti Celerio car bearing registration No.HR-85-E-3340 and selling drug capsules. In case of



barricading, he could be apprehended along with the contraband. On receiving the secret information, the raiding party was constituted and reached the place as disclosed in the secret information. The car, as disclosed in the secret information, was seen parked on the side of the road and the police officials surrounded the same and overpowered the person sitting in the car. On asking, the person sitting in the car disclosed his name to be Dinesh Sharma. He was suspected to be carrying some contraband in the car, thus, search of the car was conducted. On conducting the search of the same, total 680 narcotic capsules were recovered from the car. He failed to produce any licence regarding the conscious possession of the same, thus, the FIR was registered and he was arrested on the spot. The samples taken were sent to the FSL. On receipt of the FSL report, the contraband recovered was found to be 340 grams of Tramadol Hydrochloride. On registration of the FIR, the investigation commenced. During the investigation, complicity of the petitioner surfaced and thus, he was arrayed as an accused in the present case being the supplier of the contraband. Resultantly, the petitioner was arrested on 16.10.2024. The petitioner approached the Court of learned Additional Sessions Judge, Fast Track Special Court for Trial of Offences under NDPS Act, Ambala praying for the grant of regular bail. However, after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge, Fast Track Special Court for Trial of Offences under NDPS Act, Ambala declined the bail application filed by the petitioner vide order dated 13.05.2026. 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 implicated in the present case. He has submitted that the alleged contraband weighing 340 grams of Tramadol Hydrochloride were recovered from the co-accused, namely, Dinesh Sharma and not from the petitioner. He has submitted that neither the petitioner was named in the FIR nor any recovery has been effected from him, however he has been implicated in the present case only on the basis of disclosure statement of co-accused, which in itself is not even an admissible evidence. He has submitted that there is a violation of mandatory provisions of Section 50 of NDPS Act in conducting the search. He has submitted that the petitioner is behind bars from last more than 1½ years, however, there is no material progress in the trial. He has submitted that though the petitioner is involved in other cases, however, he is on bail in those cases. 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. She has submitted that complicity of the petitioner has been *prima facie* established during the investigation. She has submitted that the petitioner was found to be the supplier of the contraband recovered from the co-accused weighing 340 grams of Tramadol, which is a commercial quantity and thus, the provisions of Section 37 of NDPS Act are attracted. She has submitted that the petitioner is involved in other cases as well. She, on instructions, has submitted that out of total 18 prosecution witnesses, no



witness has been examined. She 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 the recovery of 340 grams of Tramadol has been effected in the present case from the co-accused. The petitioner has been arrayed as an accused in the present case on the basis of disclosure statement of co-accused. The contraband recovered in the present case from the co-accused is commercial in nature. 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. Custody certificate produced would show that the petitioner has suffered an incarceration of 01 year, 07 months and 12 days as on 27.05.2026. It further reflects that the petitioner is involved in 03 more cases, however, in 02 of the cases, he is on bail. Out of 18 prosecution witnesses, no 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.

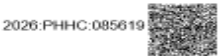
20. xxxxx

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. 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.

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. However, if the petitioner does not furnish the bail bonds within seven days from today, then his further custody period after one week will not be counted in this case.

10. 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