

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

2026:PHHC:047398



(118)

**CRM-M-40576-2025**

**Date of Decision: 25.03.2026**

Puran Singh

--Petitioner

Versus

State of Haryana

--Respondent

**CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.**

Present:- Mr. Sandeep Sharma, Advocate with  
Mr. L.S. Sekhon, Advocate for petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

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**RAJESH BHARDWAJ.J (Oral)**

1. Present second petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.108, dated 11.02.2024, under Section 18, 21 and 25 of NDPS Act (Section 29 of NDPS Act added later on), registered at Police Station Assandh, District Karnal.

2. Succinctly, the facts of the present case are that Police party while on patrolling on 11.02.2024, received a secret information to the effect that one Puran Singh (present petitioner) was involved in selling and supplying of camphor gattu (mixed form of opium) and he will bring the contraband in heavy quantity in his vehicle no. HR-26-AV-2035 from village Malikpur to Assandh. On the basis of secret information police party set up a check post and in the meanwhile one Swift car bearing no. HR-26-AV-2035 was seen coming from the side of village Malikpur. Police party stopped the vehicle and the driver of the vehicle told his name as Puran Singh. After following prescribed procedure under the NDPS Act, search of Puran Singh was conducted in the presence of DSP, Assandh. On search two cartons were recovered from the rear seat of the car. 15 boxes of

opium mixed camphor gattu were recovered and the total quantity of recovered contraband was found to be 26 kgs 175 grams. Thus, the FIR in question was registered and accused was arrested at the spot. Thereafter, on completion of the investigation challan was presented, charges were framed and trial has commenced. The petitioner approached the learned Additional Sessions Judge-cum-Exclusive Court for Fast Track of Offences under NDPS Act, Karnal for grant of bail. However, on hearing the same and finding no merits, was declined by the learned court on 24.07.2025. Aggrieved, the petitioner approached this Court by way of filing CRM-M-42065-2024, however, the same was dismissed as withdrawn vide order dated 26.03.2025. Hence, the petitioner is before this Court by way of present petition for grant of regular bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in this case. He submits that admittedly the case of the prosecution is based on the secret information but there is a blatant violation of the provisions of Section 42 of the NDPS Act. It is contended that the alleged recovery of contraband i.e. gattu weighing 26 kgs 175 grams is from a public place, however, no independent witness was joined. It has been further contended by learned counsel for the petitioner that the alleged recovery of contraband i.e. opium mixed camphor, is called as "gattu". He submits that as per the ingredients the percentage of opium in the alleged contraband i.e. gattu is 50 ML in one litre. He submits that the contraband recovered though contains opium but percentage wise the same is different from the opium. He submits that though the weight of the recovered contraband is stated to be 26 kgs 175

grams, however, the same cannot be equated with the equal amount of opium. It is further contended that the petitioner is behind bars for the last more than 2 years and there is no material progress in the trial. He contends that though the petitioner was falsely implicated in two other cases, however, he is on bail in those cases. He, thus, prays for grant of bail to the petitioner.

4. Learned State Counsel has vehemently opposed the submissions made by learned counsel for the petitioner. He submits that it is the total quantity of the mixture which has to be taken into consideration. He submits that the contraband i.e. gattu allegedly recovered from the petitioner weighing 26 kgs 175 grams, falls under the commercial quantity and thus provisions of Section 37 of NDPS Act are attracted in the present case. Learned State counsel, on instructions, submits that out of total 14 prosecution witnesses, 3 have been examined by the learned Trial Court. He has produced on record the custody certificate of the petitioner, which is taken on record. As per custody certificate furnished by learned State counsel, petitioner is behind bars in the present case is 02 years, 01 month and 07 days as on 18.03.2026. Petitioner is shown to be involved in two more cases, however, he has been granted bail in those cases.

5. 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 above said 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 me, 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”<sup>22</sup> (also see Donald Clemmer’s ‘The Prison Community’ published in 1940<sup>23</sup>). 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.”*

6. After hearing learned counsel for the parties, it is deciphered that the alleged recovery from the petitioner in the present case is of

camphor/gattu weighing 26 kgs 175 grams. The same contains opium content of 50 ml per litre. Though, petitioner is involved in 02 other cases as per the custody certificate, however, he is on bail in those cases. Only 3 witnesses out of total 14 witnesses have been examined in the present case.

7. 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 commencing anything on the merits of the case. The trial of the case will take sufficient long me. 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 petitioner succeeds in making out a case for grant of regular bail to the petitioner.

8 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.

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

25.03.2026

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(RAJESH BHARDWAJ)  
JUDGE

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|----------------------------|--------|
| Whether speaking/reasoned: | Yes/No |
| Whether Reportable:        | Yes/No |