

-1-

**CRM-M-41935-2025 and other connected matters****-2-**

Versus State of Punjab.”

2. Petitioner(s) have approached by way of filing the present petition praying for grant of regular bail in case bearing FIR No.94 dated 17.05.2024 under Sections 18 of NDPS Act, 1985, registered at Police Station City-2, Khanna, District Ludhiana.

3. Succinctly, the facts of the case are that the police party, while on patrolling on 17.05.2024, they saw a car bearing registration No.DL-10CA-8029 golden colour i20 coming from the side of Mandi Gobindgarh. The police stopped the car on suspicion that they might be involved in some offence and asked them to disclose their names. On asking, the driver of the car disclosed his name to be Sudhir Kumar while the person sitting on the passenger seat disclosed his name to be Saurav (petitioner in CRM-M-1883-2025) and the two persons sitting on the rear seat disclosed their names to be Roshan Lal (petitioner in CRM-M-41935-2025) and Manpreet Singh (petitioner in CRM-M-23159-2025). They were suspected to be carrying some contraband. Thus, search was conducted on the persons as well as of car. From the dashboard of the car, a packet was recovered, which was found to be containing 3 kgs of opium and Rs. 1,00,000 as drug money. They failed to produce any license regarding the possession of the same and they were arrested at the spot. On registration of FIR, investigation commenced. The samples taken were sent to the FSL. On completion of the investigation, the challan was presented and on framing of charges, trial commenced. Petitioner(s) approached the learned Judge, Special Court, Ludhiana for grant of bail. However, after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Ludhiana declined the bail applications vide orders dated 04.09.2024, 06.09.2024 and 01.08.2024,

**CRM-M-41935-2025 and other connected matters****-3-**

respectively. Thereafter, the petitioner, namely, Roshan Lal approached this Court by filing one bail petition bearing CRM-M-55278-2024 was dismissed as withdrawn vide order dated 13.11.2024 whereas petitioner, namely, Manpreet was also approached this Court by filing one bail petition bearing CRM-M-46943-2024 was dismissed as withdrawn vide order dated 24.10.2024. Aggrieved by the same, petitioner(s) are before this Court praying for the grant of bail by way of filing the present petitions.

3. Learned counsel for the petitioner(s) have vehemently contended that the petitioner(s) have been falsely implicated in the present case. They submit that the alleged recovery has been effected from a public place and no independent witness has been joined and the provisions of Section 50 of the NDPS Act have been violated. The petitioner(s) are behind bars since the date of their arrest. However, there is no material progress in the trial. Learned counsel for the petitioner(s), namely, Roshan Lal and Sourabh Sharma @ Saurav submit that they have no criminal antecedents whereas learned counsel for the petitioner, namely, Manpreet Singh states that he is not involved in any other case of similar nature, however, he was prosecuted in one more case bearing FIR No.63 dated 15.03.2017, under Sections 323, 325, 341, 341, 506, 308, 120B IPC and he is undergoing the sentence. They further submits that in the facts and circumstances, the petitioner(s) deserve to be granted regular bail.

4. Per contra, learned State counsel has opposed the submissions made by the counsel for the petitioner(s) and submits that all the petitioner(s) were arrested on the spot. They were travelling in the same car from which 3 kgs of opium and Rs. 1,00,000 were recovered. He further submits that the alleged recovered contraband weighing 03 kgs of opium falls within the category of commercial

**CRM-M-41935-2025 and other connected matters****-4-**

quantity. Thus, the rigours of Section 37 of the NDPS Act are attracted in the present case. He, on instructions, has submitted that out of total 11 prosecution witnesses, only 04 have been examined so far. He has produced the custody certificates of petitioner(s) today in the Court and the same are taken.

5. Heard.

6. On hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner(s) were arrested on 17.05.2024. Petitioner(s), namely, Roshan Lal and Sourabh Sharma @ Saurav have no criminal antecedents whereas petitioner, namely, Manpreet Singh is not involved in any other case of similar nature, however, he was prosecuted in one more case. Custody certificate produced would show that the petitioner(s), namely, Roshan Lal has completed incarceration of 01 year, 08 months and 02 days, Manpreet Singh has completed incarceration of 01 year, 04 months and 25 days whereas petitioner, namely, Sourabh Sharma @ Sourav has complete incarceration of 01 year and 08 months as on 20.01.2026. Out of total 11 prosecution witnesses, only 04 have been examined so far. Needless to say that speedy trial is the fundamental right of every accused.

7. In view of the facts and circumstances of the present case, this Court cannot ignore the fact that the speedy trial is the fundamental right of every accused. 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



CRM-M-41935-2025 and other connected matters

-5-

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 conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.



CRM-M-41935-2025 and other connected matters

-6-

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.”

10. 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.

11. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view, this Court is of the opinion that learned counsel for the petitioner(s) succeed in making out a case for grant of regular bail to the petitioner(s). Accordingly, the present petitions are allowed. Petitioner(s) are ordered to be released on bail on their 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.

12. In case the bail bonds are not furnished by the petitioner, namely, Manpreet Singh in CRM-M-23159-2025 during the period of 07 days from today, then his further custody period after one week will not be counted in the present case.

21.01.2026

renubala

(RAJESH BHARDWAJ)

JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No