



115+206

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. CRM-M-44410-2025

ReenaPetitioner

versus

State of Punjab Respondent

2. CRM-M-6876-2026

DeepaliPetitioner

versus

State of PunjabRespondent

Date of decision: 17.03.2026

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Mohit Giri, Advocate (in both the petitions)
for the petitioner(s).

Mr. Raj Karan Singh, AAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. By way of this common order, this Court intend to dispose of
abovesaid two petitions as they have arisen out of the same FIR.

2. Petitioners have approached this Court by way of filing the
present petitions praying for grant of regular bail to them in case FIR
No.53 dated 08.03.2025, under Sections 22-C/29/61/85 of the NDPS Act,
1985, registered at Police Station Phillaur, District Jalandhar Rural.

3. Succinctly, facts of the case are that the police party while on
patrolling on 08.03.2025 in connection with search of smugglers, at about
01:50 PM, saw two women sitting under a peepal tree; one was wearing a
black shawl carrying an envelope in her hand and another was wearing a



red shawl. On seeking the police, they tried to escape however, were apprehended by the police officials. On asking, the woman wearing a red shawl, disclosed her name as Deepali and the woman wearing the black shawl, disclosed her name as Reena. They were suspected to be carrying some contraband in the said envelope. Thus, the search was conducted and from a black envelope from the left hand of petitioner-Deepali was recovered in which five strips of narcotic pills, each sheet containing 15/15 pills, one sheet containing 14 pills and one sheet containing 9 pills and in total 98 narcotic pills were recovered. They failed to produce any license regarding the possession of the contraband. Thus, the FIR was registered and both were arrested on the spot. On completion of the investigation, challan was presented and charges were framed. Petitioners approached the Court of learned Judge, Special Court, Jalandhar, praying for grant of regular bail. However, after hearing counsel for the parties, the same were declined vide orders dated 16.04.2025 and 06.11.2025, respectively. Being aggrieved, petitioners have approached this Court by way of filing the present petitions.

4. It has been contended by learned counsel for the petitioners that petitioners have been falsely implicated in the present cases. It has been submitted that the alleged recovery was effected from the public place however, no independent witness was joined. It has been further submitted that even the conscious possession of the petitioners is not proved as there is violation of provisions of Section 50 of the NDPS Act. To buttress their arguments, it has been contended that petitioner-Reena (in CRM-M-44410-2025) is not involved in any other case though, petitioner-Deepali (in CRM-M-6876-2026) is involved in one more case,



however, she is on bail in the same. It has been submitted that petitioners are behind the bars from last more than one year however, there is no material progress in the trial thus, the petitioners deserve to be granted the concession of regular bail.

5. Learned State counsel has opposed the submissions made by learned counsel. He has submitted that the recovery was effected from the bag being carried by the petitioners. He has submitted that on conducting the search of the bag, 98 tablets containing Etizolam were recovered and upon weighing, the same amounted to 9.026 grams, which is a commercial quantity and thus, the provisions of Section 37 of the NDPS Act are attracted in the present cases. He, on instructions, has submitted that out of 12 prosecution witnesses, only 01 witness has been examined so far. He has placed on record custody certificate of the petitioners.

6. After hearing learned counsel for the parties and perusing the record, it is deciphered that the alleged recovery was effected from the public place. There is violation of provisions of Section 50 of the NDPS Act as contended before this Court. Custody certificates of the petitioners filed by the State show that the petitioners have undergone incarceration of 01 year and 04 days as on 16.03.2026. Custody certificate of petitioner-Reena shows that she is not involved in any other case. Custody certificate of petitioner-Deepali shows that though she is involved in one more case, however, she is on bail in the same. As submitted by learned State counsel, out of 12 prosecution witnesses, only 01 witness has been examined till date. Needless to say that speedy trial is the right of every accused.



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 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 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. The trial of the cases will take sufficiently long time. However, keeping in view the overall facts and circumstances of the present cases, this Court is of the opinion that learned counsel for the petitioners succeed in making out a case for grant of regular bail. 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. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

17.03.2026
m.sharma

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No