



223+225 (2 cases)

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

1. CRM-M-51163-2025

Sukhdev Singh @ SukhiPetitioner

versus

State of Punjab Respondent

2. CRM-M-59680-2025

Palwinder Singh @ PinderPetitioner

versus

State of Punjab Respondent

Date of decision : 11.02.2026

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Ms. Amandeep Kaur, Advocate
for the petitioner in CRM-M-51163-2025.

Mr. Karanjeet Singh Brar, Advocate
for the petitioner in CRM-M-59680-2025.

Mr. Raj Karan Singh, A.A.G., 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 present petitions praying for granting them regular bail in case FIR No.006 dated 23.01.2025, under Sections 15(c) of Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 27 of NDPS Act, added lateron), registered at Police Station Kabarwala, District Sri Muktsar Sahib.

3. Succinctly, the facts of the present case are that the police party, while on patrolling on 23.01.2025, when reached near the bridge



canal, they saw 02 cars were parked and some persons were present who were loading the plastic bags in the *diggy* of one of the vehicle. On suspicion, they were apprehended and on asking, they disclosed their names to be Sukhdev Singh @ Sukhi and Palwinder Singh @ Pinder (present petitioners). They were suspected to be carrying some contraband in the bags being loaded in the cars, thus, same were searched. On conducting the search, 25 kgs of poppy husk each in the 04 bags were recovered which come to total 100 kgs of poppy husk. They failed to produce any licence regarding possession of the same and hence, the FIR was registered and they were arrested on spot. On registration of FIR, the investigation commenced. Samples taken were sent to the FSL. On framing of charges, the trial commenced. Petitioners approached the Learned trial Court, Sri Muktsar Sahib praying for grant of bail, however, finding no merit, their applications were declined after hearing both the sides by Learned trial Courts vide orders dated 21.06.2025 and 04.03.2025, respectively. Aggrieved by the same, petitioner-Palwinder Singh @ Pinda earlier approached this Court by way of filing of CRM-M-14161-2025, which was declined by this Court vide order dated 20.03.2025, hence, he is before this Court by way of second petition. However, qua petitioner-Sukhdev Singh @ Sukhi, this is the first petition praying for grant of bail.

4. Learned counsels for the petitioners have contended that the petitioners have been falsely implicated in the present case. It is submitted that the alleged recovery has been effected from a public place, however, there was no independent witness joined by the investigation agencies. It is submitted that the compliance of Section 50 of NDPS Act, was mandatory however, there is blatant violation of the same. It is submitted



that conscious possession of the contraband is also not proved in the present case. To buttress their arguments, it is submitted that petitioner-Sukhdev Singh @ Sukhi has no criminal antecedents as he has never been involved in any other and so far petitioner-Palwinder Singh @ Pinder is concerned, though he is involved in one more case, however, he is on bail in the said case. It is submitted that the petitioners are behind bars since the date of their arrest, however, there is no material progress in the trial and thus, their right of speedy trial is defeated. It is thus, submitted that in the facts and circumstances of the case, petitioners deserve to be granted bail.

5. Learned State counsel has opposed the submissions made by the counsel for the petitioners and submits that both the petitioners were arrested on the spot. It is submitted that the recovery effected in the present case is of 100 kgs of poppy husk, which falls under the category of commercial quantity and thus, the provisions of Section 37 of NDPS Act, are attracted in the present case. He, on instructions, has submitted that out of total 36 prosecution witnesses, one has been examined so far. He has produced the custody certificates of the petitioners on record.

6. On hearing counsel for the parties and perusing the record, it is deciphered that the petitioners are behind bars since the date of their arrest. The alleged recovery of 100 kgs of poppy husk has been effected from a public place and as per the statute, quantity above 50 kgs of poppy husk, is a commercial quantity. As per custody certificate, petitioners have suffered incarceration of more than 01 year. It further reflects that the petitioner-Sukhdev Singh @ Sukhi has no criminal antecedents. Though petitioner-Palwinder Singh @ Pinda, is involved in one more case, however, he is on bail in the said case.



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 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.

9. This Court would refrain itself from commenting anything on the merits of the case. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioners succeed in making out a case for grant of regular bail. Accordingly, both the petitions are allowed. 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.

11.02.2026
ps-I

(**RAJESH BHARDWAJ**)
JUDGE

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