



120

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

CRM-M-51088-2025

Date of decision : 27.02.2026

Sahil**....Petitioner****versus****State of Haryana****.....Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Sunil Sihag, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed for grant of regular bail in case FIR No.224 dated 06.08.2024, under Section 21-C of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Punhana.

2. Succinctly the facts of the case are that the Police party while on patrolling on 06.08.2024, received a secret information to the effect that Sahil (present petitioner) is involved in selling of restricted medicine.

It was informed that toady also he would go to Punhana for selling the restricted medicine. If the raid is conducted, he could be arrested along with the contraband. On receiving the information, the police reached the place as disclosed in the secret information. A person as disclosed in the secret information was seen coming on foot from Jurheda Road along with one bag carrying on his shoulder. On suspicion, he was stopped. On asking, he disclosed his name to be Sahil (present petitioner). He was suspected to be carrying some contraband in the bag, hence, the same was



Triprolidine Hydrochloride Syrup, 100 ml each, were recovered from the same. He failed to produce any license regarding possession of the same and hence, the FIR was registered and he was arrested on spot. The investigation commenced. The samples taken were sent to the FSL. On receipt of FSL report, challan was presented and on framing of charges, trial commenced. The petitioner approached Learned Additional Sessions Judge, Nuh praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned trial Court vide order dated 20.08.2025. Aggrieved by the same, the petitioner is before this Court by way of filing of present petition for grant of bail.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case. He submits that the present case is based on the secret information, however, there is violation of provisions of Section 42 of NDPS Act. He submits that the alleged recovery has been effected from a public place, however, no independent witness was joined by the investigating agency. He submits that there is blatant violation of mandatory provisions of Section 50 of NDPS Act, while conducting the search. He submits that even otherwise the conscious possession of the petitioner is also not proved. To buttress his arguments, he submits that the petitioner is has no criminal antecedents as he has never been involved in any other case. He submits that the petitioner is behind bars from last more than 1 ½ years, however, there is no material progress in the trial. He thus, submits that in the facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Status report by way of affidavit of Mr. Jitender Kumar, HPS, Deputy Superintendent of Police, Punhana has been filed on behalf of respondent-State in the Court today, same is taken on record.



5. Per contra, learned State counsel has opposed the submissions made by the counsel for the petitioner and submits that the petitioner was specifically named in the secret information. He submits that on conducting the search, recovery of 50 bottles of Codeine Phosphate & Triprolidine Hydrochloride Syrup 100 ml each, was effected, which falls under the commercial quantity and thus, provisions of Section 37 of NDPS Act, are attracted in the present case. He, on instructions, has submitted that out of total 13 prosecution witnesses, only 05 witnesses have been examined so far. He has produced the custody certificate of the petitioner on record.

6. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner is behind bars since the date of his arrest. The alleged recovery of 50 bottles of Codeine Phosphate & Triprolidine Hydrochloride Syrup, in the present case, has been effected from a public place, which admittedly falls under the category of commercial quantity. As per custody certificate, the petitioner has suffered an incarceration of 01 year, 06 months and 18 days as on 25.02.2026. It further reflects that the petitioner has no criminal antecedents as he has never been involved in any other case. As submitted before this Court, out of total 13 prosecution witnesses, only 05 witnesses have been examined so far.

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.*

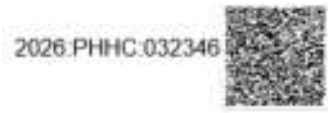
20. xxxxx

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. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, 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.

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

27.02.2026
ps-I

(RAJESH BHARDWAJ)
JUDGE

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