



222+228 (2 cases)

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

1. CRM-M-51615-2025

MosinPetitioner

versus

State of Haryana Respondent

2. CRM-M-64334-2025

Abid @ YabidPetitioner

versus

State of Haryana Respondent

Date of decision : 16.02.2026

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Davneet Sangwan, Advocate
for the petitioner in CRM-M-51615-2025.

Mr. P.S. Sekhon, Senior Advocate with
Mr. Guraziz Singh Dhillon, Advocate
for the petitioner in CRM-M-64334-2025.

Mr. Tanuj Sharma, A.A.G., Haryana.

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.483 dated
04.12.2024, under Sections 21 and 29 of Narcotic Drugs and Psychotropic
Substances Act, 1985, registered at Police Station Madhuban Karnal,
District Karnal.



3. Succinctly, the facts of the present case are that the police party, while on patrolling on 04.12.2024, received a secret information to the effect that Rashid and Irshad are involved in smuggling of heroin. It was informed that they were standing before Bastara Toll Tax alongwith the contraband and were waiting for their customers. If the raid is conducted, they could be apprehended along with contraband. On receiving the information, the raiding party reached at the place disclosed. Two persons as resembling in the secret information were found standing there and both were apprehended. On asking, they disclosed their names to be Rashid and Irshad. Rashid was holding a bag and the police suspected him to be carrying some contraband in the same, thus, same was searched. On conducting the search, 271 grams and 31 mgs heroin was recovered from the same. 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. During investigation, they made a disclosure statement about the involvement of the petitioners and thus, they were also arrayed as an accused. Resultantly, petitioner-Mosin (in CRM-M-51615-2025) was arrested on 20.03.2025 and petitioner-Abid (in CRM-M-64334-2025) was arrested on 22.04.2025. Petitioners approached Learned Additional Sessions Judge-Cum-Exclusive Court for Fast Track of Offences under NDPS Act, Karnal 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 18.06.2025 and 10.07.2025, respectively. Aggrieved by the same, petitioners earlier approached this Court by way of filing of CRM-M-29326-2025 and CRM-M-39943-2025, which were dismissed as withdrawn by this Court.



vide orders dated 29.05.2025 and 31.07.2025, respectively. Hence, petitioners are before this Court by way of filing of present second petitions praying for grant of bail.

4. It has been submitted by learned Senior counsel that the petitioners have been falsely implicated in the present case. It is submitted that admittedly the case of the prosecution is based on the secret information qua the co-accused, however, there is violation of the provisions of Section 42 of the NDPS Act. It is submitted that petitioners were neither named in the secret information nor any recovery has been effected from them, however, they are arrayed as an accused only on the basis of disclosure statement of co-accused. It is submitted that the alleged recovery is of 271 grams 31 mgs of heroin from co-accused which is marginally above the commercial quantity. 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 even otherwise the disclosure statement of co-accused is not even an admissible evidence. It is submitted that the petitioners are behind bars since the date of their arrest, however, there is no material progress in the trial. It is submitted that though petitioner-Mosin is involved in other cases as well, however, he is on bail in those cases, whereas petitioner-Abid @ Yabid has no criminal antecedents. 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 complicity of the petitioners surfaced during investigation. The petitioners were found to be



the supplier of the contraband recovered from the co-accused. It is submitted that the recovery effected from the co-accused in the present case is of 271 grams 31 mgs of heroin, 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 21 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, who are arrayed as an accused on the basis of disclosure statement of co-accused. The alleged recovery of 271 grams 31 mgs of heroin has been effected from the co-accused, is a commercial quantity. As per custody certificates, petitioner-Mosin has suffered an incarceration of 10 months and 22 days as on 13.02.2026. It further reflects that he is involved in 03 more cases, however, he is on bail in those cases. Petitioner-Abid @ Yabid has suffered an incarceration of 09 months and 20 days as on 15.02.2026. It further reflects that he has no criminal antecedents. Out of total 21 prosecution witnesses, only 01 witness has 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. 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.

16.02.2026
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(RAJESH BHARDWAJ)
JUDGE

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