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

CRM-M-52070-2025

Date of decision : 27.03.2026

Ashoka @ Rajni

....Petitioner

versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Manoj R. Sharma, Advocate
for the petitioner.

Mr. Raj Karan Singh, A.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed for grant of regular bail in case FIR No.97 dated 05.04.2024, under Sections 21 and 22 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Civil Lines Batala, District Gurdaspur.

2. Succinctly the facts of the case are that the Police party while on patrolling on 05.04.2024 at T-point Gandhi Camp, Gurdaspur, a lady was seen coming, who on seeing the police party got perplexed and tried to throw away transparent polythene pouches held in her right hand. On suspicion, she was apprehended and on asking she disclosed her name to be Ashoka. She was suspected to be carrying some contraband in the pouches thrown by her. Thus, search was conducted. On conducting the search of the pouches, 40 grams of heroin was recovered from one pouch and from another, 100 white unlabelled intoxicating tablets were found. She failed to produce any license regarding possession of the same and

hence, the FIR was registered and she 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, Fast Track, Special Court, Gurdaspur 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 07.05.2024. Aggrieved by the same, the petitioner earlier approached this Court twice by way of filing of CRM-M-27959-2024 and CRM-M-3343-2025, which were dismissed as withdrawn vide orders dated 01.07.2024 and 12.05.2025, respectively. Hence, he is before this Court by way of filing of present third 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 alleged recovery has been effected from a public place, however, no independent witness was joined by the investigating agency. He submits that the conscious possession by the petitioner is also not proved as the alleged recovery has been effected from pouch allegedly having been thrown by the petitioner. The alleged recovery of 40 grams of heroin and 100 white unlabelled intoxicating tablets of Etizolam weighing 17.7 grams, has been planted upon the petitioner. He submits that there is blatant violation of mandatory provisions of Section 50 of NDPS Act, while conducting the search. He submits that the petitioner is behind bars from last about 02 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. Per contra, learned State counsel has opposed the submissions made by the counsel for the petitioner and submits that the



petitioner is a habitual offender who is involved in 09 other cases. He submits that the alleged recovery of 40 grams of heroin and 100 white unlabelled intoxicating tablets weighing 17.7 grams, 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.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner is behind bars since the date of her arrest. The alleged recovery has been effected from the envelope having been allegedly thrown by the petitioner. It has been submitted before this Court that the conscious possession is not proved and thus, there is blatant violation of provisions of Section 50 of NDPS Act. As per custody certificate, the petitioner has suffered an incarceration of 01 year, 11 months and 21 days as on 26.03.2026. It further reflects that though the petitioner is involved in 10 more cases, however, out of those 10 cases, in 07 cases, she has been arrested on production warrants, which shows that the petitioner was already in custody in some other cases. It further shows that in 02 cases, she is on bail and in 01 case, she has been acquitted. As submitted before this Court, out of total 13 prosecution witnesses, only 05 witnesses have been examined so far.

6. 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.*

7. 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.



8. 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.

9. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on her 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.

10. In case the bail bonds are not furnished by the petitioner during the period of 07 days from today, then his further custody period after one week will not be counted in the present case.

27.03.2026
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(RAJESH BHARDWAJ)
JUDGE

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