

CRM-M-53035-2025
CRM-M-67154-2025
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2026:PHHC:020815



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53035-2025

Mandeep

.....Petitioner

versus

State of Haryana

..... Respondent

CRM-M-67154-2025

Amit

....Petitioner

versus

State of Haryana

....Respondent

Date of decision: 11.02.2026

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. P.S. Sekhon, Senior Advocate with
Mr. Gaurav, Advocate and
Mr. G.S. Dhillon, Advocate (in CRM-M-53035-2025)
Mr. J.P. Jangu, Advocate (in CRM-M-67154-2025)
for the petitioner(s).

Mr. Tanuj Sharma, AAG, 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 filing the present petitions praying for grant of regular bail to them in case FIR No.307 dated 09.08.2024, under Sections 20(b) (ii)-C of the NDPS Act, 1985, registered at Police Station Agroha, District Hisar.
3. Succinctly, facts of the case are that the police while on patrolling on 09.08.2024, received a secret information to the effect that Jagdish Chander is involved in selling Sulfa. It was informed that one Baba and 3-4 other boys also came in their vehicle No.HR 11G 7306 to



purchase Sulfa from him. If the raid is conducted at Bijli Ghar Agroha-

Barwala road Kirori, they could be arrested along with the contraband. On receiving the secret information, the police reached at the disclosed place. The Car as informed in the secret information, was found with six persons sitting inside it. On suspicion, they were apprehended. On asking, they disclosed their names as Amit (petitioner in CRM-M-67154-2025), Sunil Nath, Jagdish Chander, Mandeep (petitioner in CRM-M-53035-2025), Pawan and Ankit. Jagdish Chander was holding a bag and on search, 1 kg 30 gms of charas/sulfa was recovered. They failed to produce any license regarding the possession of the same. Thus, the FIR was registered and they were arrested on the spot. Investigation commenced and samples taken were sent to the FSL. On completion of the investigation, challan was presented. On framing of charges, the trial commenced. Petitioners approached the Court of learned Additional Sessions Judge, Hisar, praying for grant of regular bail. However, after hearing counsel for the parties, learned Additional Sessions Judge, Hisar declined the same vide orders dated 22.11.2024. Hence, petitioners have approached this Court again by way of filing the present petitions.

4. It has been submitted by learned Senior counsel for the petitioner that the petitioners have been falsely and frivolously implicated in the present cases. It has been submitted that admittedly, the case of the prosecution is based on secret information thus, there is a violation of the provisions of Section 42 of the NDPS Act. It has further been submitted that there is also violation of provisions of Section 50 of the NDPS Act. It has been submitted that the secret information was specifically qua co-accused Jagdish Chander however, the petitioners have been falsely implicated. It has been submitted that the recovery was effected from the



public place however, no independent witness has been joined. To buttress their arguments, learned counsel have submitted that as per the statute of the NDPS Act, the quantity above 1 kg is commercial whereas, the alleged recovery of contraband from Jagdish Chander is 1 kg 30 grams. Learned Senior counsel has submitted that it is yet to be ascertained whether quantity allegedly recovered is commercial or non-commercial. Learned Senior counsel for petitioner-Mandeep in CRM-M-53035-2025 submits that petitioner-Mandeep has no criminal antecedents whereas, learned counsel for petitioner-Amit in CRM-M-67154-2025 submits that though petitioner-Amit was involved in one more case which is not under the NDPS Act but under the IPC, however, he is on bail in that case. It has been submitted that the petitioners are behind bars from last more than 1½ years however, there is no progress in the trial.

5. Learned State counsel has opposed the submissions made by learned counsel for the petitioners. He has submitted that there was specifically a secret information against the accused. He has submitted that name of petitioner-Amit was mentioned in the secret information and there is recovery of drug money of Rs.50,000/- from him. He submits that the recovered contraband being commercial in nature, provisions of Section 37 of the NDPS Act are attracted. He on instructions, has submitted that out of 23 prosecution witnesses, only 01 witness has been examined. He has placed on record the custody certificates of the petitioners which transpires that both the petitioners have undergone actual sentence of 01 year 06 months and 01 day as on 10.02.2026. It further reflects that petitioner-Mandeep in CRM-M-53035-2025 is not involved in any other case. It further reflects that though petitioner-Amit in CRM-M-67154-2025 was involved in one another case, however, he is



on bail in that case.

6. After hearing counsel for the parties and perusing the record, it is deciphered that admittedly the case of the prosecution is based on secret information. The recovery is made from the public place. As submitted, the recovery as alleged is 1 kg 30 grams of charas/sulfa whereas, quantity above 1 kg is commercial in nature. Custody certificates of the petitioners filed by the State transpire that both the petitioners have undergone actual sentence of 01 year 06 months and 01 day as on 10.02.2026. It further reflects that petitioner-Mandeep is not involved in any other case. It further reflects that though petitioner-Amit was involved in one another case, however, he is on bail in that case.

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.

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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.

11.02.2026
m.sharma

(RAJESH BHARDWAJ)
JUDGE

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