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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.53692 of 2025
Date of Decision: 17.03.2026

Vicky

.....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Rakesh Kumar Lathwal, Advocate
for the petitioner (through V.C.).

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

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.471, dated 29.11.2024, under Sections 22(c) & 29 of NDPS Act, 1985, registered at Police Station Purani Sabzi Mandi Rohtak, District Rohtak.

2. Succinctly the facts of the case are that the police party, while on patrolling on 29.11.2024, received a secret information to the effect that Vicky (present petitioner) son of Gulshan is involved in selling of narcotic substance. It was informed that he was standing near the grocery shop of Somi in Gali Pahada Mohalla Rohtak along with the contraband and if the raid is conducted, he could be apprehended along with the contraband. On receiving the secret information, the raiding party was constituted and reached the place, as disclosed in the secret information. A boy, as disclosed in the secret information, was found standing with an



orange coloured plastic bag in his right hand and thus, he was apprehended. On asking, he disclosed his name to be Vicky. He was suspected to be carrying some contraband in the orange plastic bag being carried by him and thus, search of the same was conducted. On conducting the search, 13 bottles of Win Cerex Cough Syrup Codeine Phosphate Triprolidine Hydrochloride Syrup was recovered. He failed to produce any license regarding the conscious possession of the same, thus, the FIR was registered and he was arrested on the spot. On registration of the FIR, the investigation commenced. Samples taken were sent to the FSL. However on receipt of the FSL, the challan was presented. The petitioner approached the Court of learned Additional Sessions Judge, Rohtak praying for the grant of bail, however, after hearing both the sides and finding no merit in the same, the same was dismissed by the learned Additional Sessions Judge, Rohtak vide order dated 04.09.2025. Hence being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in this case. He submits that admittedly the case of the prosecution is based on the secret information but there is violation of provisions of Section 42 of NDPS Act. He submits that the alleged recovery is from a public place, however, no independent witness was joined by the investigating agencies. He submits that the conscious possession is not proved and thus, there is violation of provisions of Section 50 of NDPS Act, as well. To buttress his arguments, he has contended that the petitioner has no criminal antecedents as he has never been involved in any other criminal case and thus, his false



implication is writ large. He submits that the petitioner is behind bars since the date of his arrest i.e. 29.11.2024, however, no witness has been examined till date and thus, his right of speedy trial is miserably defeated. He has thus submitted that in the facts and circumstances, the petitioner deserves to be granted bail.

4. *Per contra*, learned counsel for the State has vehemently opposed the submissions made by learned counsel for the petitioner. He has submitted that name of the petitioner has been specifically named in the secret information. He submits that thereafter, raid was conducted and the petitioner was arrested on spot. He submits that from the bag being carried by the petitioner, 13 bottles of Win Cerex Cough Syrup was recovered and as per the FSL report, the recovered contraband was found to be containing Codeine Phosphate weighing 1.3 Kgs, which falls under the category of commercial quantity and thus, the provisions of Section 37 of NDPS Act are attracted. He, on instructions, has submitted that out of 18 prosecution witnesses, no witness has been examined till date. He has placed on record custody certificate of the petitioner today in the Court and the same is taken on record.

5. On hearing learned counsel for the parties and perusing the record, it is deciphered that the case of the prosecution is based on the secret information. The alleged recovery is from a public place. The recovered contraband was found to be weighing 1.3 kgs of Codeine Phosphate and as per the Statute of NDPS Act, the quantity above 01 kg is commercial in nature. Custody certificate produced would show that the petitioner has completed incarceration of 01 year, 03 months and 16 days as on 16.03.2026. It further reflects that the petitioner is not involved in



any other case. Out of 18 prosecution witnesses, no witness been examined till date.

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 the 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 case will take sufficiently long time.

8. 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. Accordingly, the present petition is allowed. 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.

17.03.2026

ps-I

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

(**RAJESH BHARDWAJ**)
JUDGE