

**124 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-54515-2025 (O&M)****Date of decision : 09.03.2026****Pujari****.....Petitioner****versus****State of Haryana****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Anil Kumar Malik, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

RAJESH BHARDWAJ, J. (Oral)**CRM-M-54515-2025**

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.679 dated 29.08.2024, under Sections 20C, 29 and 27-A of the NDPS Act, registered at Police Station Shahabad, District Kurukshetra.
2. Succinctly facts of the case are that the police party while on patrolling on 29.08.2024, received a secret information to the effect that Pujari (petitioner) was involved in selling ganja. It was informed that he was standing on the Barara road near the gate of Shahabad Grain Market and if the raid is conducted, he could be arrested along with the contraband. On receiving the secret information, the police reached at the disclosed place and a person resembling in the secret information was found there. On asking, he disclosed his name as Pujari. He was suspected to be carrying some contraband and thus, the bag he was carrying was searched. On conducting the search of the bag, 32.830 kgs of ganja was recovered. He failed to produce any license regarding the possession of the same. Thus, FIR was registered and petitioner was arrested on the



spot. The samples taken were sent to the FSL. On receiving the report of FSL, challan was presented and on framing of the charges, trial commenced. Petitioner approached the Court of learned Judge, Special Court, Kurukshetra, praying for grant of bail, however, after hearing counsel for the parties and finding no merits, the same was declined vide order dated 14.02.2025. Aggrieved by the same, petitioner is before this Court by way of filing the present petition.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case. He submits that admittedly the case is based on secret information and there is violation of Section 42 of the NDPS Act. He submits that the alleged recovery has been effected from the public place, however, no independent witness has been joined. He further submits that the conscious possession is also not proved and there is blatant violation of provisions of Section 50 of the NDPS Act. To buttress his arguments, learned counsel submits that though the petitioner was involved in one more case, however, he is on bail in that case. He submits that petitioner is behind bars from the last more than 1 ½ years however, there is no material progress in the trial. He submits that in the facts and circumstances of the case, the petitioner deserves to be granted regular bail.

4. Learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner. He submits that the petitioner is specifically named in the FIR. He submits that the petitioner was arrested on the spot and recovery of 32.830 kgs of ganja has been recovered from him which is a commercial quantity, thus, the provisions of Section 37 of the NDPS Act are attracted in this case. On instructions, he submits that out of 19 prosecution witnesses, only 01



witness has been examined till date. He has placed on record the custody certificate of the petitioner and submits that petitioner is involved in one more case and is not on bail in the same.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the alleged recovery in the present case is on the basis of secret information. The alleged recovery of 32.830 kgs of ganja has been effected from the bag carried out by the petitioner. As per the statute, the alleged recovery is commercial in nature. Custody certificate filed by the State shows that the petitioner has undergone incarceration of 01 year, 05 months and 29 days as on 07.03.2026. It further reflects that the petitioner is involved in one more case and he is not on bail in the same. As submitted by the State, out of 19 prosecution witnesses, one 01 witness has been examined so far. Needless to say that every accused has the fundamental right of speedy trial.

6. 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 xxxxxx

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 xxxxxx

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. 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. 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.

8. If the petitioner does not furnish the bail bonds within seven days from today, then his further custody period after one week will not be counted in the present case.

CRM-4486-2026

Prayer in the present application is for grant of interim bail to the petitioner in the main petition.

In view of the averments made in the application, the same has become infructuous as the main case has been decided today.

In view of the above, the present application is disposed of as having been rendered infructuous.

09.03.2026
m.sharma

(RAJESH BHARDWAJ)
JUDGE

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