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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

127+201

1. CRM-M-56097-2025 (O&M)

Genaram ...Petitioner

Versus

State of Haryana ...Respondent

2. CRM-M-7881-2026 (O&M)

Sumer @ Shyam Lal ...Petitioner

Versus

State of Haryana ...Respondent

Date of decision : 11.03.2026

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Punyaveet, Advocate
for the petitioner in CRM-M-56097-2025.

Mr. Manvinder Sidhu, Advocate
for the petitioner in CRM-M-7881-2026.

Ms. Himani Arora, DAG, Haryana.

MANISHA BATRA, J. (Oral)

1. This common order shall dispose of abovementioned two petitions as they arise out of the same FIR and seek similar relief.
2. Prayer in these petitions, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioners in case arising out of FIR No. 0383 dated 28.07.2024, registered under Section 15C of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Dabwali, District Sirsa.
3. Brief facts of the case relevant for the disposal of the present

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petition are that on 28.07.2024, a secret information was received to the effect that a truck bearing registration number RJ-07-GF-8205 would come from Rajasthan side loaded with huge quantity of poppy husk. Believing the information to be reliable, a barrier was laid at the informed place and the said vehicle was stopped. Petitioner Genaram was found to be the driver of the same, whereas petitioner Sumer was found sitting beside the driver seat. On conducting search of the vehicle, recovery of 59.820 kgs. of poppy husk was effected from the said vehicle. Since they could not produce any valid license or permit to keep in his possession the recovered contraband, they were formally arrested at the spot. After completion of necessary investigation and usual formalities, challan was presented in the Court and presently, the petitioners are facing trial for commission of aforementioned offence.

4. It is argued by learned counsel for the petitioners that they have been falsely implicated in this case. The story put forth by the police party is concocted one. In fact, a false recovery was planted upon them. The mandatory provisions of the NDPS Act were not complied with properly. Even otherwise, the quantity of the contraband allegedly recovered in this case is marginally higher than the commercial quantity. Investigation has since been completed and challan has been presented before the Court. The trial is likely to take considerable time as only one out of total nineteen prosecution witnesses has been examined so far. The petitioners are in custody since 28.07.2024. Petitioner Genaram has clean antecedents. Though petitioner Sumer is involved in one more case of similar nature but he is on bail in that case. No useful purpose would be served by keeping them in custody anymore. It is, thus, urged that the petitions deserve to be allowed and the petitioners deserve to be released on bail.

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5. Status reports and the custody certificates of the petitioners have been filed by the respondent-State. Learned State counsel has argued that keeping in view the gravity of the allegations levelled against the petitioners, they are not entitled to get benefit of bail as rigors of Section 37 of the NDPS Act would be attracted against them. The petitioners may abscond or involve in committing similar offences again, if extended benefit of bail. Hence, it is urged that the petitions are liable to be dismissed.

6. This Court has heard the rival submissions.

7. As per the allegations, the petitioners were found in conscious possession of the contraband on 28.07.2024. Though, the allegations prima facie make out a case for commission of subject offences against the petitioners, however, on a perusal of the record, it is apparent that there are no chances of conclusion of the trial in near future and it will take considerable time as a substantive number of the prosecution witnesses are yet to be examined. The petitioners have remained in custody since long. It is well settled proposition of law that grant of bail on account of delay in trial and long period of incarceration is to be considered in the light of Section 37 of the NDPS Act. Reliance in this regard can be placed upon the observations made by Hon'ble Apex Court in ***Mohd. Muslim @ Hussain v. State (NCT of Delhi)***, **2023 SCC OnLine SC 352**, wherein it was held that grant of bail on account of undue delay in trial cannot be said to be fettered under Section 37 of the NDPS Act, given the imperative of Section 436-A of Cr.P.C. which is applicable to offence under the Act. It was also observed that jails are overcrowded and their living conditions are, more often than not, appalling. The danger of unjustified imprisonment is that inmates are more likely to be hardened rather than

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reformed. Reliance can also be placed upon ***Manmandal and Another v. State of West Bengal, Special Leave Petition (Criminal) No.8656 of 2023*** decided on **14.09.2023** and ***Rabi Prakash v. State of Odisha, 2023 SCC Online SC 110***, wherein the Hon'ble Supreme Court had extended benefit of bail to the accused who had been incarcerated for a long period by observing that prolonged incarceration militated against the most precious fundamental right guaranteed under Article 21 of the Constitution of India and in such a situation, the constitutional principles must override the statutory embargo contained under Section 37 of the NDPS Act.

8. Reliance can also be placed upon ***Santosh Pawar Vs. State of Chhattishgarh & Anr., Criminal Appeal No.4883/2025***, which is a recently pronounced verdict of Hon'ble Supreme Court observing that rigours of Section 37 of NDPS Act will not be a bar for considering the case of an accused for bail as it comes with a condition that the prosecution would press for an early completion of trial. In the above-mentioned case the Hon'ble Supreme Court held that appellant who was being prosecuted for being in possession of commercial quantity of narcotic substance, was entitled for bail in view of her incarceration for a period of 19 months.

9. Similarly in another case i.e. in the case of ***Satender Kumar Antil v. Central Bureau of Investigation, (2022) 10 SCC 51*** prolonged incarceration and inordinate delay engaged the attention of the Hon'ble Supreme Court, which considered the correct approach towards bail, with respect to several enactments, including Section 37 NDPS Act. The court expressed the opinion that Section 436A (which requires inter alia the accused to be enlarged on bail if the trial is not concluded within specified periods) of the Criminal Procedure Code, 1973

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would apply.

10. In the case of ***Ismail Khan @ Pathan vs. State of Rajasthan Criminal Appeal No.4911 of 2025*** with regard to recovery of commercial quantity of narcotic substance the Hon'ble Supreme Court accorded the benefit of bail to the accused in view of prolonged incarceration for a period of 02 years and 08 months of the accused.

11. The similar benefit has been extended in another appeal i.e. ***SLP No.15699-2025 titled as Ebrahim @ Ibrahim SK vs. The State of West Bengal*** and in the case of ***Pamesh Arora vs. UT Chandigarh Criminal Appeal No.4872 of 2025***.

12. On analysing the peculiar facts and circumstances of the present case in the light of the aforementioned principles of law, it transpires that the petitioners have suffered prolonged incarceration for a period of 01 year, 07 months and 13 days and the trial is not likely to be concluded in near future as only one out of total nineteen prosecution witnesses has been examined so far. In view thereof, this Court is of the considered opinion that the continued detention of the petitioners is not likely to serve any fruitful purpose. There is nothing on record to show that if released on bail, the petitioners will not participate in the trial or will abscond or indulge in similar offences. Accordingly, the petitions are allowed and the petitioners are ordered to be released on bail on their furnishing personal as well as surety bonds to the satisfaction of the learned trial Court, and subject to the condition that they shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case. They shall appear before the learned trial Court on each and every date of hearing except when their presence has been exempted by the trial Court. They

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shall surrender their passport, if any, furnish details of their cell phones and Aadhar cards, and shall not change their mobile number(s) during the pendency of the trial.

13. It is made clear that any observation made herein above is only for the purpose of deciding the present petitions and the same shall have no bearing on the merits of the case.

14. Let a photocopy of this order be placed on the file of the connected case.

11.03.2026

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No