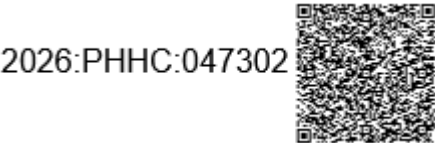


IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH



CRM-M-56286-2025 (O&M)

Vicky

... Petitioner

Vs.

State of Haryana

... Respondent

1.	The date when the judgment is reserved	24.03.2026
2.	The date when the judgment is pronounced	25.03.2026
3.	The date when the judgment is uploaded on the website	25.03.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Aditya Sanghi, Advocate and
Mr. Pradeep Bhardwaj, Advocate for the petitioner.

Ms. Himani Arora, DAG, Haryana.

...

Manisha Batra, J. (Oral).

1. The instant one is the second petition as filed by the petitioner seeking benefit of regular bail in case arising out of FIR No.394, dated

04.06.2024, registered under Sections 22(c) and 31-A of the NDPS Act, at Police Station City Sirsa, District Sirsa. His previous petition bearing CRM-M-26054-2025 had been dismissed as withdrawn vide order dated 19.05.2025.

2. As per the allegations, on the night of 03.06.2024, a secret information was received by ASI Chanan Ram posted at Haryana State Narcotic Control Bureau, Unit Sirsa to the effect that the petitioner was indulged in sale of intoxicating tablets and on that very day also, he was to go towards ITI, Sirsa road on his motorbike while carrying intoxicating tablets and could be apprehended. Believing the secret information to be true, a barricade was laid near Sangwan Chowk Rania Road Sirsa. After sometime, one youth was found coming there on a motorbike. On noticing the police officials, he tried to turn his vehicle back but was apprehended. On conducting search of the motorbike, one black coloured bag was found tied in the same. On opening the said bag, 1000 tablets of Tramadol Hydrochloride and 2390 tablets of Alprazolam were found kept in the bag which were taken into custody by the police. The petitioner was formally arrested. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that after dismissal of his previous petitions, the trial has not progressed much as no prosecution witnesses has been examined so far. It is further argued that the petitioner has been falsely implicated in this case. A false recovery has been planted upon him. The mandatory provisions of the NDPS Act had not been complied at the time of conducting investigation. The seizure

memo was prepared on the night of 03.06.2024 at 11:25 P.M. whereas the FIR was registered at 01:14 A.M. on 04.06.2024 but strangely the FIR number and provisions of the NDPS Act were mentioned in that seizure memo thereby falsifying the prosecution story. Each day spent by him in custody furnishes a new ground for seeking bail afresh. No useful purpose would be served by his further detention. There are no chances of conclusion of trial in near future as none out of 19 prosecution witnesses has been examined so far. It is, thus, argued that he deserves to be extended the benefit of bail.

4. Per contra, learned State counsel has argued that the allegations against the petitioner are serious in nature. Commercial quantity of intoxicating tablets was recovered from him. Rigors of Section 37 of the NDPS Act are attracted in this case. The petitioner is a habitual offender being convicted in a case under Section 21 of the NDPS Act. There are chances of his absconding or committing similar offences, if extended benefit of bail. It is further argued that the instant one being the successive petition is not even maintainable. It is, therefore, stressed the petition does not deserve to be allowed.

5. This Court has heard the rival submissions made by learned counsel for the parties.

6. So far as the question of maintainability of the petition is concerned, it may be mentioned that an accused has a right to make successive applications for grant of bail, and it is the duty of the Court, while entertaining such a subsequent bail application, to consider the

reasons and grounds on which the earlier bail petition was rejected. The fresh grounds which persuade the Court to take a view different from the one taken in the earlier application are also required to be recorded. Reference in this regard can be made to ***Prasad Shrikant Purohit v. State of Maharashtra (2018) 11 SCC 458***, wherein it was so observed by Hon'ble Supreme Court. The petitioner is in continuous custody since 04.06.2024. No prosecution witnesses has been examined so far. Meaning thereby that there are no chances of conclusion of the trial in near future. 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 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 Live Law (SC) 533***, 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 and in such a situation, the constitutional principles must override the statutory embargo contained under Section 37 of the NDPS Act.

7. 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 rigors 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.

8. 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 would apply.

9. 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.

10. 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***.

11. On analyzing the peculiar facts and circumstances of the present case in the light of the aforementioned principles of law, it transpires that the petitioner has suffered prolonged incarceration for a period of about 01 year, 09 months and 15 days, the trial is not likely to be concluded in near future; the continued detention of the petitioner is not likely to serve any fruitful purpose; there is nothing on record to show that if released on bail, the petitioner will not participate in the trial or will abscond.

12. In view of the above discussion, this Court is of the considered opinion that a case is made out for grant of bail to the petitioner. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing personal as well as surety bonds to the extent of two sureties in the like amount each, to the satisfaction of the learned trial Court, and subject to the condition that he shall appear before the learned trial Court on each and every date of hearing except when his presence has been exempted by the trial Court.

He shall surrender his passport, if any, furnish details of his cell phone and Aadhar card, and shall not change his mobile number(s) during the pendency of the trial.

13. It is clarified that the observations made above shall not be construed as an expression of opinion of this Court on the merits of the case and shall not influence the outcome of the trial in any manner.

14. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

25.03.2026

harjeet

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

(MANISHA BATRA)
JUDGE