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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-56448-2025

Prince SharmaPetitioner

versus

State of Haryana Respondent

CRM-M-4952-2026

MahipalPetitioner

versus

State of HaryanaRespondent

Date of decision: 23.02.2026

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Sandeep Saini, Advocate (in CRM-M-56448-2025)
Mr. Sonpreet S. Brar, Advocate (in CRM-M-4952-2026)
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.203 dated 25.07.2024, under Sections 22(C), 29 of the NDPS Act, 1985, registered at Police Station Sadhaura, Yamuna Nagar, District Yamunanagar.
3. Succinctly, facts of the case are that the police party while on patrolling on 25.07.2024 received a secret information to the effect that Mahipal (petitioner in CRM-M-4952-2026) son of Somlal was involved in selling narcotic pills and capsules. It was informed that he was coming on his motorcycle and would go to Sadhaura via Kotla Bijouli Road. If the barricading is laid, he could be arrested on the spot. On receiving the secret



information, the police laid the barricading at the disclosed place. The motorcycle, as mentioned in the secret information, was seen coming from the said direction with one person was riding it. He was stopped. On asking, he disclosed his name as Mahipal. He was suspected to be carrying some contraband in the disposable polythene bag thus, he was given an offer in front of the Gazetted Officer for his search. On his consent, the search was conducted and total 1080 capsules containing Dicyclomine Hydrochloride, Hydrochloride Acetaminophen Capsules were recovered from the bag. He failed to produce any license regarding the possession of the same. Thus, he was arrested on the spot and the FIR was registered. On registration of the FIR, investigation commenced. The samples taken were sent to the FSL. During investigation, he made a disclosure statement about the complicity of co-petitioner namely, Prince Sharma (petitioner in CRM-M-56448-2025) thus, he was also nominated as an accused and was resultantly, arrested on 09.10.2024. On completion of the investigation, challan was presented. On framing of charges, the trial commenced. Petitioner-Mahipal approached the Court of learned Additional Sessions Judge, Yamunanagar praying for grant of bail, however, after hearing counsel for the parties, the same was declined vide order dated 06.08.2025. Hence, being aggrieved, petitioner-Mahipal is before this Court by way of filing the present petition. Petitioner-Prince Sharma approached the Court of learned Additional Sessions Judge, Yamunanagar however, after hearing counsel for the parties, the same was declined vide order dated 20.01.2025. Thereafter, petitioner earlier approached this Court twice by filing CRM-M-16311-2025 which was dismissed as withdrawn on 28.03.2025 and CRM-M-28219-2025 which was dismissed as withdrawn on 27.05.2025. Hence, being aggrieved, petitioner is again before this Court by way of filing the present third petition.



4. It has been submitted by learned counsel for the petitioners that the petitioners have been falsely and frivolously implicated in the present cases. It is contended that the FIR is stated to be based on secret information however, the mandatory provisions of Section 42 of the NDPS Act have not been complied with. It is also submitted that there is also violation of provision of Section 50 of the NDPS Act. It is also submitted that conscious possession of the alleged contraband has not been established. It is submitted that the recovery was effected from the public place however, no independent witness has been joined. To buttress their arguments, it is submitted that the petitioners have been clandestinely implicated in the present case by planting a fake recovery. It is further submitted that within a span of one week, the petitioners have been implicated in 03 other FIRs however, they are on bail in all other 03 FIRs. It is further submitted that the petitioners are behind the bars from last 1 ½ years but there is no material progress in the trial. It is submitted that in the facts and circumstances of the cases, the petitioners deserve to be granted regular bail.

5. Learned State counsel has however, opposed the submissions made by learned counsel for the petitioners. He has submitted that 540 grams of Tramadol have been recovered from petitioner-Mahipal which falls under the commercial quantity thus, provisions of Section 37 of the NDPS Act are attracted. He has also submitted that the petitioners are habitual offenders as they are involved in other cases as well. He, on instructions, has submitted that out of 16 prosecution witnesses, 03 witnesses have been examined. He has placed on record the custody certificates of the petitioners.

6. After hearing counsel for the parties and perusing the record, it is deciphered that the secret information in the present case was regarding petitioner-Mahipal. The recovery has been effected from the public place.



Recovered contraband is 540 grams of Tramadol. Petitioner-Prince Sharma has been arrayed as an accused on the basis of the disclosure statement of co-petitioner-Mahipal. Custody certificates filed by the State show that the petitioners have undergone incarceration of about 01 year and 06 months as on 19.02.2026. It is further reflected that both the petitioners are involved in three more cases which belong to the same time period i.e. within a week.

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.

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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.
9. If the petitioners do not furnish the bail bonds within seven days from today, then their further custody period after one week will not be counted in the present cases.

23.02.2026
m.sharma

(RAJESH BHARDWAJ)
JUDGE

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