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227 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-56762-2025

Date of decision: 18.02.2026

MAJOR SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. H.S. Dhandi, Advocate for the petitioner.

Mr. Hemant Aggarwal, DAG, Punjab.

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.112 dated 11.06.2025, under Section 15 of NDPS Act, 1985 (Section 29 of NDPS Act, 1985 added later on), registered at Police Station Khanna, Police District Khanna, District Ludhiana.

2. Succinctly, the facts of the case are that the police party, while on patrolling on 11.06.2025, received a secret information to the effect that Major Singh son of Ram Ji Das own a vehicle Tata ACE bearing registration No.PB-19-H-7829. It was informed that the vehicle was parked outside of his house and he was unloading the poppy husk from his truck. If the raid was conducted, he could be arrested along with the contraband. On receiving the secret information, the raiding party reached the house of the Major Singh. The truck was found parked covered with the trampoline. The police asked regarding the owner of the truck and found him present at his house. Thus, the truck was searched. On conducting the search of the truck, 60 Kg of Poppy Husk was recovered from the same. He failed to produce any licence regarding the possession of the same and he was

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arrested on the spot. The FIR was registered, investigation commenced. The samples taken were sent to the FSL. On receipt of the FSL, the challan was presented. He approached the learned Additional Sessions Judge, Ludhiana for grant of bail. However, after hearing both the sides and finding no merit in the same, the learned learned Additional Sessions Judge, Ludhiana declined the bail application vide order dated 22.09.2025. Aggrieved by the same, petitioner is before this Court praying for the grant of bail by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He submits that the case of the prosecution is based on secret information, however, there is violation of provisions of Section 42 of NDPS Act. He further submits that the alleged recovery has been effected from a public place and no independent witness has been joined and the provisions of Section 50 of the NDPS Act have been violated. He further submits that even otherwise the alleged recovery was of 60 kg of poppy husk, which is marginally above the commercial quantity. He fairly contended that the false implication of the petitioner is writ large. He further submits that petitioner is behind bars since 11.06.2025 and he has no criminal antecedents. He further submits that in the facts and circumstances, the petitioner deserves to be granted regular bail.

4. Per contra, learned State counsel has opposed the submissions made by the counsel for the petitioner and submits that the petitioner was arrested at the spot. The recovery effected from the truck which was parked in front of his house is 60 kg of poppy husk, which falls within the category of commercial quantity in the present case. Thus, the rigours of Section 37 of the NDPS Act are attracted in the present case. He, on instructions, submits that investigation was completed



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of the petitioner.

5. Heard.

6. On hearing learned counsel for the parties and perusing the record, it is deciphered that the alleged recovery was effected from the public place. The recovery is 60 kg of poppy husk is marginally above the commercial quantity. Custody certificate produced would show that the petitioner has completed incarceration of 08 months and 03 days as on 17.02.2026 and he is not involved in any other case.

7. 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.*

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.

9. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner. 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.

18.02.2026
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(RAJESH BHARDWAJ)
JUDGE