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

CRM-M-58161-2025

Date of decision : 30.01.2026

Anil Kumar

....Petitioner

versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Kartar Singh, Advocate
for the petitioner.

Mr. Raj Karan Singh, A.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present third petition has been filed for grant of regular bail in case FIR No.21 dated 13.04.2023, under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 29 of NDPS Act added lateron), registered at Police Station Khanauri, Sangrur.

2. Succinctly the facts of the case are that the Police party while on patrolling on 13.01.2023, received a secret information to the effect that Soni Singh S/o Bagga Singh was involved in selling of narcotic substances. It was informed that he would come to Khanauri from Narwana side along with contraband and if the raid is conducted, he could be apprehended along with the contraband. On receiving the secret information, the police raided the place as disclosed. The person was seen coming along with a bag as resembling in the secret information received. He was apprehended and on asking, he disclosed his name to be Soni Singh. Search of the bag was conducted from which 50 bottles of Codeine Phosphate, 180 intoxicant tablets of Alprazolam and 500 intoxicant tablets



of Tramadol were recovered. He failed to produce any license regarding possession of the same and hence, the FIR was registered and he was arrested on spot. The investigation commenced. During investigation, he made a disclosure statement about the complicity of Anil Kumar (present petitioner) who was alleged to be the supplier of the contraband and thus, he was also nominated as an accused in the present case and resultantly he was arrested on 05.09.2023. On completion of investigation, challan was presented and on framing of charges, trial commenced. The petitioner approached Learned Judge, Special Court, Sangrur praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned trial Court vide order dated 06.05.2025. Aggrieved by the same, the petitioner earlier approached this Court twice by way of filing of CRM-M-20025-2025 and CRM-M-35688-2025, however, the same were disposed of and dismissed as withdrawn on 09.04.2025 and 15.07.2025, respectively. Hence, the petitioner is before this Court by way of filing of present third petition for grant of bail.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. He submits that neither the petitioner was present on the spot nor any recovery has been effected from him, however, he has been implicated in the present case only on the basis disclosure statement of co-accused, namely, Soni Singh from whom the alleged contraband was recovered. He submits that the disclosure statement in itself is not an admissible evidence. It is further submitted that even otherwise the recovered contraband from co-accused, is from a public place, however, no independent witness was joined by the investigating agencies and the same is in violation of Section 50 of NDPS Act. He submits that the petitioner is falsely implicated in 02 other cases,



however, he is on bail in those cases. He thus, submits that in the facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by the counsel for the contraband recovered from co-accused Soni Singh, found to be weighing 6.511 kg of Codeine Phosphate, 22.32 grams of Alprazolam and 184 grams of Tramadol. He submits that the quantity of Codeine phosphate recovered is 6.511 kg which falls under the category of commercial quantity and thus, provisions of Section 37 of NDPS Act, are attracted. He, on instructions, has submitted that out of total 19 prosecution witnesses, only 03 witnesses has been examined so far. He has produced the custody certificate of the petitioner on record.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the alleged recovery in the present case is from the co-accused, whereas the petitioner was implicated only on the basis of disclosure statement of the co-accused. As per custody certificate, the petitioner has suffered an incarceration of 01 year, 04 months and 24 days as on 29.01.2026. It further reflects that the petitioner is involved in two more cases. Out of total 19 prosecution witnesses, 03 witnesses have been examined.

6. 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.*

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 to

the petitioner.

8. 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.

9. In case the bail bonds are not furnished by the petitioner during the period of 07 days from today, then his further custody period after one week will not be counted in the present case.

30.01.2026	(RAJESH BHARDWAJ)
ps-I	JUDGE
Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No