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CRM-M-57115-2025

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

Date of Decision: 19.02.2026

**CRM-M-61657-2025**

Abhimanyu

..... Petitioner

Versus

State of Haryana

..... Respondent

**CRM-M-57115-2025**

Kapil

..... Petitioner

Versus

**State of Haryana**

**..... Respondent**

**CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. R.S.Dhull, Advocate  
for the petitioner in CRM-M-61657-2025.

Mr. Rakesh Kumar Lathwal, Advocate  
for the petitioner in CRM-M-57115-2025.

Mr. Tanuj Sharma, AAG, Haryana.

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**Rajesh Bhardwaj, J. (ORAL)**

This order shall dispose of above-said two petitions as both of them have arisen out of same FIR. Brief facts of the case are taken from CRM-M-57115-2025.

1. Petitioner(s) have approached this Court by way of present petition praying for granting him regular bail in case FIR No.418 dated 18.12.2024, under Section 20(B)(ii)(c), 29 of NDPS Act, 1985 registered at Police Station IMT Rohtak, District Rohtak.



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2. Succinctly, facts of the case are that on 18.12.2024, while the police party was on patrolling in village Kansala, District Rohtak, received a secret information to the effect that Kapil s/o Jai Bhagwan and Abhimanyu s/o Umed Singh were involved in selling of charas(sulfa). It was further informed that both of them are sitting on the canal bridge on Kansala to Kharkhoda road to supply charas and were carrying the same in a blue bag. If the raid is conducted, both the boys could be arrested along with contraband(charas). On receiving the said information, police party reached at the disclosed place where two boys were sitting. On asking their names, they disclosed their name as Kapil and Abhimanyu. Kapil was carrying a blue coloured bag and on its search, 1.12 kgs of charas was recovered and failed to produce the license regarding the same and hence, the FIR was registered and both were arrested on spot. The investigation commenced. On conclusion of investigation, challan was presented. The petitioners approached the Learned Addl. Sessions Judge, Rohtak praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Addl. Sessions Judge, Rohtak vide orders dated 14.05.2025 and 04.04.2025, respectively. Abhimanyu (petitioner in CRM-M-61657-2025) earlier has approached this Court by way of filing CRM-M-28745-2025, however, the same was dismissed as not pressed vide order dated 28.07.2025. Hence, the petitioners are before this Court by way of filing present petitions for grant of bail.

3. It has been vehemently contended by learned counsel for the petitioners that the petitioners have been falsely implicated in the present case. It is submitted that FIR in the present case was registered on the basis of secret information, however, there is a violation of Section 42 of the NDPS Act. It is



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submitted that the alleged recovery was effected in a public place, however, no independent witness has been joined. In the present case, it is alleged that recovery was effected during personal search of petitioner Kapil, however, there is violation of Section 50 of the NDPS Act as well. Learned counsel for the petitioners further contended that the petitioner Abhimanyu has no criminal antecedents as he is not involved in any other criminal case whereas petitioner Kapil though falsely implicated in one more case, however, he is on bail in that case. It is submitted that the quantity above 1 kg is commercial in nature, however, from the petitioners the alleged recovery is of 1.12 kgs, which is marginally above the commercial quantity. The petitioners are behind the bars since 18.12.2024. They submitted, thus, in the facts and circumstances of the case, the petitioners deserve to be granted regular bail.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by counsel for the petitioners. He submits that petitioners have been specifically named in the secret information and were apprehended on spot and it is from their personal search, recovery of total 1.12 kgs of charas was effected from the petitioner Kapil, which is a commercial quantity and thus, provisions of Section 37 of the NDPS Act are attracted. However, no recovery has been effected from Abhimanyu. He, on instructions submits that 4 out of total 17 prosecution witnesses have been examined till date. He has placed on record the custody certificates of the petitioners.

5. On hearing counsel for the parties and perusing the record, FIR in question was registered on the basis of secret information. Total 1.12 kgs of charas has been recovered from the personal search of petitioner Kapil (petitioner in CRM-M-57115-2025) and no recovery has been effected from



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Abhimanyu (petitioner in CRM-M-61657-2025). Custody certificates of petitioners would show that Kapil and Abhimanyu have suffered incarceration of 01 year, 01 month and 28 days as on 18.02.2026. It further reflects that the petitioner Abhimanyu has no criminal antecedents while petitioner Kapil is involved in one another case, however, he is on bail in the same, which is under the NDPS Act. Only 04 out of total 17 prosecution witnesses have been examined till date.

6. 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"<sup>22</sup> (also see Donald Clemmer's 'The Prison Community' published in 1940<sup>23</sup>). Incarceration has further deleterious effects - where the accused belongs to the weakest economic strata:*



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*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 the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioners succeed in making out a case for grant of regular bail to the petitioners.

8. 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.

9. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

**19.02.2026**  
**sonia**

**(RAJESH BHARDWAJ)**  
**JUDGE**

Whether Speaking/Reasoned : Yes/No  
Whether Reportable : Yes/No