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

**CRM-M No.61978 of 2025
Date of Decision: 30.03.2026**

Shinder Pal Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Amitoj Singh Dhaliwal, Advocate
for the petitioner.

Mr. Raj Karan Singh, Asstt. A.G., 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.65, dated 11.07.2021, under Section 22 of NDPS Act, 1985, registered at Police Station Mehna, District Moga, Punjab.

2. Succinctly, the facts of the case are that the police party while on patrolling on 11.07.2021, received a secret information to the effect that Shinder Pal Singh, i.e. the petitioner was involved in bringing intoxicant tablets from outside and sell them by moving around in the village. It was informed that he would be present near the cremation ground of village Ramuwali Nawan and waiting for his customers to sell the same. It was informed that in case of raid, he could be apprehended along with the contraband. On receiving the secret information, the raiding party was



constituted and reached the place as disclosed in the secret information. The person, as disclosed in the secret information, was seen standing there. On seeing the police party, he got perplexed and threw the polythene bag being carried by him, however, with the help of the police officials, he was apprehended. On asking, he disclosed his name to be Shinder Pal Singh. He were suspected to be carrying some contraband and thus, his search was conducted. On conducting the search, 19 strips of tablets Lieve, each strip containing 10 tablets, i.e. total 190 tablets were recovered. He failed to produce any licence regarding the conscious possession of the same, thus, the FIR was registered and he was arrested on the spot. On registration of the FIR, the investigation commenced. The samples taken were sent to the FSL. On receipt of the FSL report, the contraband recovered was found to be weighing 24.32 grams of Etizolam. On completion of the investigation, the challan was presented and on framing of charges, the trial commenced. The petitioner approached the Court of learned Vacation Judge, Moga praying for the grant of regular bail. However, after hearing both the sides and finding no merit in the same, the learned Vacation Judge, Moga declined the bail application filed by the petitioner vide order dated 16.06.2025. Hence being aggrieved, the petitioner is before this Court praying for the grant of regular bail by way of filing the present petition.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. He has submitted that evidently the case of the prosecution is based on the secret information, however, there is a violation of mandatory provisions of Section 42 of NDPS Act. He has submitted that the alleged recovery has been effected



from the public place, however, no independent witness has been joined. He has submitted that there is a violation of mandatory provisions of Section 50 of NDPS Act as well in conducting the search and the conscious possession is also not proved as the alleged recovery is from the polythene bag having been allegedly thrown by the petitioner. He has submitted that the petitioner is a chronic patient of TB, Hepatitis C and Psoriasis. He has submitted that the petitioner is not even in a position to stand on his legs. To buttress his arguments, learned counsel for the petitioner has submitted that the petitioner has no criminal antecedents as he has never been involved in any other case. He has submitted that the petitioner is behind bars from last more than 01 year. He has submitted that in the facts and circumstances, the petitioner deserves to be granted regular bail.

4. Medical status report dated 29.03.2026 by way of short affidavit of Iqbal Singh Dhaliwal, PPS, Superintendent, Central Jail, Faridkot has been filed by learned State counsel today in the Court, which is taken on record.

5. *Per contra*, learned counsel for the State has vehemently opposed the submissions made by learned counsel for the petitioner. He has submitted that the petitioner was specifically named in the secret information. He has submitted that on conducting the raid, 190 tablets containing Etizolam were recovered from him and the contraband recovered weighs 24.32 grams of Etizolam, which is a commercial quantity and thus, the provisions of Section 37 of NDPS Act are attracted. He has drawn the attention of this Court to the medical status report filed regarding the petitioner and has submitted that though the petitioner is suffering from



various diseases but presently, his condition is stable. He, on instructions, has submitted that out of total 11 prosecution witnesses, 04 witnesses have been examined so far. He has produced custody certificate of the petitioner today in the Court, which is taken on record.

6. Heard.

7. On hearing learned counsel for the parties and perusing the record, it is deciphered that the case of the prosecution is based on the secret information. The alleged recovery of 190 tablets containing Etizolam in the present case was effected from the public place, which weighs 24.32 grams. The petitioner is behind bars since the date of his arrest, i.e. 11.03.2025. Custody certificate produced would show that the petitioner has suffered an incarceration of 01 year and 01 month and 08 days as on 28.03.2026. It further reflects that the petitioner is not involved in any other case. Out of total 11 prosecution witnesses, 04 witnesses have been examined so far.

8. Operative para of the status report filed would show that the medical condition of the petitioner is as follows:

“The said inmate was assessed and found to be well oriented to time, place and person. That the said inmate is a documented case of psoriasis with associated joint involvement consistent with psoriasis arthritis. He is also a previously treated case of pulmonary tuberculosis (TB). Additionally, he is also a known case of hepatitis C virus (HCV) infection. That he was previously undergoing treatment at PGI Chandigarh during 2022-2023 for TB and Psoriasis. That now the said inmate was admitted as an indoor patient (IPD) in the department of dermatology (skin & VRDL) at Guru Gobind Singh Medical College and



Hospital (GGSMCH), Faridkot from 15/12/2025 to 24/12/2025 for the purpose of specialist evaluation and management of his medical condition. Necessary investigations were carried out, and requisite treatment was administered during the course of the said admission. That the said inmate was referred to Guru Gobind Singh Medical College & Hospital (GGSMCH), Faridkot for Specialist evaluation regularly in 2025 and on 06/01/2026, 06/02/2026, 21/02/2026 and 24/03/2026. He was managed during these visits. That at present, the said inmate is medically stable and he would be again referred to higher centers as and when required".

9. 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.”

10. 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.

11. This Court in the overall facts and circumstances, finds that the petitioner has no criminal antecedents though presently, his medical condition is said to be stable, however, there is no denial to the fact that he is suffering from various ailments.

12. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for the grant of

bail.

13. 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.

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

30.03.2026			(RAJESH BHARDWAJ)
<i>rittu</i>	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No