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

CRM-M-64020-2025

Date of Decision: 04.05.2026

Rammohan Sahu @ Ram Mohan Sahu @ Sonu Sahu @ Jagga

..... Petitioner

Versus

Union of India through NCB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Harpreet Singh Multani, Advocate and
Mr. Karambir Singh Randhawa, Advocate,
for the petitioner.

Mr. Sourabh Goel, Special Public Prosecutor
for NCB with
Ms. Deify Jindal, Advocate and
Ms. Samridhi Jai, Advocate.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for grant of regular bail to the petitioner in a case NCB Crime complaint No.40, dated 26.05.2022, under Sections 8, 18(b), 25, 60 & 62 of NDPS Act, registered at Police Station NCB Chandigarh.

2. As per the facts of the case, complaint in the present case was filed by Narcotic Control Bureau. It was alleged that on 26.05.2022, Junior Intelligence Officer received a secret information to the effect that two persons, namely, Tejbir Singh and Jaspal were coming back from Jharkhand in car make Swift bearing registration No.PB-46Y-9207 with 10-15 kgs opium. On finding the information reliable, necessary action was taken and *naka* was laid by the police. On seeing the disclosed vehicle, the same was stopped and on asking, the inmates of vehicle disclosed their names to be Jaspal Singh, Harparkash Kaur and Tejbir Singh. They were given the offer for search of the car and on conducting the search, recovery of opium from the gear lever of the car and dicky was made and total 15 packets were



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recovered, which in total weighed 14.7 kgs of opium. They failed to produce any licence regarding the conscious possession of the same. Thus, all three were arrested on the spot. On registration of the FIR, the investigation commenced. The samples taken were sent to the FSL. During the investigation, the said accused made disclosure statement to the effect that the said contraband was supplied by the present petitioner, namely, Rammohan Sahu @ Ram Mohan Sahu @ Sonu Sahu @ Jagga. Hence, he was also arrayed as an accused in the present case and resultantly, he was arrested on 01.02.2024. The petitioner approached the Court of learned Additional Sessions Judge, Ambala praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed both the bail application filed by the petitioner vide order dated 12.02.2025. Earlier the petitioner approached this Court by way of filing CRM-M-14902-2025, however, the same was dismissed as withdrawn vide order dated 24.04.2025. Hence, being aggrieved, the petitioner is again before this Court by way of filing the present second petition praying for the grant of regular bail.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case. He submits that neither the petitioner has been named in the FIR, nor any recovery has been effected from him. He submits that co-accused from whom 14.700 kgs of opium was recovered, have already been granted regular bail by this Court vide orders dated 18.02.2025 and 04.09.2025. He contends that petitioner has been implicated in the present case on the basis of disclosure statement of the co-accused, which is not an



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admissible evidence. He further contends that though the petitioner was falsely implicated in two other cases, however, he is on bail in those cases. He, thus, has submitted that in the overall facts and circumstances, the petitioner deserves to be granted bail.

4. *Per contra*, learned State counsel has vehemently controverted the submissions made by counsel for the petitioner. He submits that the recovered contraband in the present case falls under the commercial quantity and thus, provisions of Section 37 of NDPS Act are attracted. On instructions, he has submitted that out of total 20 prosecution witnesses, 03 witnesses have been examined. He has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that FIR was registered on the basis of the secret information. The petitioner was arrayed as an accused on the basis of the disclosure statement of the co-accused. The co-accused of the petitioner have already been granted bail by this Court. The custody certificate would show that the petitioner has suffered incarceration of 02 years, 02 months & 20 days as on 03.05.2026. It further shows that the petitioner is involved in two other cases, however, he is on bail in the same. Out of 20 prosecution witnesses, 03 witnesses have been examined.

6. Speedy trial is the right of every accused. The Hon'ble Supreme Court in Ashim @ Asim Kumar Haranath Bhattacharya @ Asim Harinath Bhattacharya @ Aseem Kumar Bhattacharya Vs. National Investigation Agency, 2022(1) SCC 695 has held as under:

“Deprivation of personal liberty without ensuring speedy trial is not consistent with Article 21 of the Constitution of India.



While deprivation of personal liberty for some period may not be avoidable, period of deprivation pending trial/appeal cannot be unduly long. At the same time, timely delivery of justice is part of human rights and denial of speedy justice is a threat to public confidence in the administration of justice.”

7. The Hon'ble Supreme Court in a recent decision dated 03.07.2024 in **Javed Gulam Nabi Shaikh Vs. State of Maharashtra, Criminal Appeal No. 2787 of 2024**, has held that howsoever serious a crime may be, an accused has the right to speedy trial under the Constitution of India.

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.

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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 the 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 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 petitioner succeeds in making out a case for grant of regular bail to the petitioner.

9. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

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

(RAJESH BHARDWAJ)
JUDGE

04.05.2026

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Whether Speaking/Reasoned :

Yes/No

Whether Reportable :

Yes/No