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

CRM-M-65837-2025

Date of decision: 18.03.2026

Kuldeep @ Kala**.....Petitioner****versus****State of Haryana****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Jashandeep Singh Sandhu, Advocate
for the petitioner.

Ms. Diya Sodhi, Senior DAG, Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. Petitioner has approached this Court by way of filing the present petition praying for grant of regular bail to them in case FIR No.220 dated 22.05.2024, under Section 22 of the NDPS Act, 1985 and Sections 27-A, 29 of the NDPS Act added later on, registered at Police Station Purani Sabzi Mandi Rohtak, District Rohtak, Haryana.

2. Succinctly, facts of the case are that on 22.05.2024 the police party in connection with checking of narcotic substance, were present at Valmiki Cremation Ground where a secret informer informed that one Kuldeep @ Kalu (present petitioner) was carrying bottles of narcotic substance and was standing near Rambir's Dera side of Fatehpur Colony at Ram Johri to sell the same and if raid is conducted, he could be apprehended at the spot along with the contraband. On receiving the information, the police reached the place as disclosed and a young man was found standing there with a black colour backpack slung over his back. On asking, he disclosed his name as Kuldeep @ Kala. He was



suspected to be carrying some contraband in the bag he was carrying. Thus, search was conducted and from the said bag, 75 sealed bottles of WINCEREX Cough Syrup, Codeine Phosphate and Triprolidine Hydrochloride Syrup were recovered. He failed to produce any license regarding the possession of the contraband. Thus, the FIR was registered and he was arrested on the spot. The investigation commenced. On completion of the investigation, challan was presented and charges were framed. Petitioner approached the Court of learned Additional Sessions Judge, Rohtak, praying for grant of regular bail. However, after hearing counsel for the parties, the same was declined vide order dated 22.08.2025. Hence, the petitioner has approached this Court by way of filing the present petition.

3. It has been contended by learned counsel for the petitioner that petitioner has been falsely and frivolously implicated in the present case. He contends that case of the prosecution is based on secret information but there violation of Section 42 of the NDPS Act. He submits that the alleged recovery was effected from the public place however, no independent witness was joined. He submits that even the conscious possession of the petitioner is not proved as there is violation of provisions of Section 50 of the NDPS Act. To buttress his arguments, learned counsel has submitted that the petitioner has never been involved in any other case of the similar nature. He further submits that the petitioner is behind the bars from last more than 1½ years but there is no material progress in the trial. He submits that the right of speedy trial has been defeated in the present case. He, thus, submits that in the facts and circumstances of the present case, the petitioner deserves to be granted



regular bail.

4. Learned State counsel has opposed the submissions made by learned counsel for the petitioner. She submits that the petitioner was specifically named in the secret information, thereafter, the raid was conducted and petitioner was arrested on the spot along with the contraband. She submits that the recovery of 75 bottles of Wincerex Cough Syrup was effected from the bag of the petitioner which he was carrying. She submits that the recovery from the petitioner is 7.5 kg of Cough Syrup containing (7.5 kgs of) Codeine which is a commercial quantity and hence, provisions of Section 37 of the NDPS Act are attracted in this case. She, on instructions, has submitted that after filing the supplementary challan, 04 witnesses have been examined out of 21 prosecution witnesses. She 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 the case of the prosecution is based on secret information. The alleged recovery was effected from the public place however, as contended no independent witness was joined. There is violation of Section 50 of the NDPS Act has also been contended. Petitioner is behind the bars since the date of his arrest. Custody certificate filed by the State would show that the petitioner has undergone incarceration of 01 years, 09 months and 24 days as on 17.03.2026. It further reflects that though the petitioner was involved in one more case under the Arms Act, however, he has been acquitted in the same. As submitted, out of 21 prosecution witnesses, only 04 witnesses have been examined so far.



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 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.'

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. However, keeping in view the overall facts and circumstances of the present case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. 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.

18.03.2026
m.sharma

(**RAJESH BHARDWAJ**)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No