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

CRM-M-65013-2025

Date of decision : 27.02.2026

Shekhar

....Petitioner

versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Sandeep Singh Jattan, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. Present third petition has been filed for grant of regular bail in case FIR No.225 dated 09.07.2024, under Sections 22-C & 29 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Mullana, Ambala.

2. Succinctly the facts of the case are that the Police party while on patrolling on 09.07.2024, received a secret information to the effect that Shekhar (present petitioner) is working as a narcotic pill dealer and is involving in selling of narcotic pills to drug addicts. It was informed that toady also he is standing in Binjalpur village for selling the narcotic pills to his customers. If the raid is conducted, he could be arrested along with the contraband. On receiving the information, the police reached the place as disclosed in the secret information. A person as disclosed in the secret information was seen standing there with a black polythene bag, which he was carrying in his right hand. On seeing the police, he got perplexed and

tried to turn back, however, he was apprehended by the police party. On



asking, he disclosed his name to be Shekhar (present petitioner). He was suspected to be carrying some contraband in the polythene bag, hence, the same was searched. On conducting the search, 1125 tablets of Apcolam 0.5 containing Alprazolam, were recovered from the same. 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. The samples taken were sent to the FSL. On receipt of FSL report, challan was presented and on framing of charges, trial commenced. The petitioner approached the Court of Learned Additional Sessions Judge, Fast Track Special Court for offences under the NDPS Act, Ambala 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 14.10.2025. Aggrieved by the same, petitioner earlier approached this Court by way of filing of CRM-M-60611-2024 and CRM-M-11652-2025 which were dismissed as withdrawn by this Court vide orders dated 09.12.2024 and 12.08.2025, respectively.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 contended that the petitioner has been falsely implicated in the present case. He submits that the present case is based on the secret information, however, there is violation of provisions of Section 42 of NDPS Act. He submits that the alleged recovery has been effected from a public place, however, conscious possession of the petitioner is not proved. He submits that there is blatant violation of mandatory provisions of Section 50 of NDPS Act, while conducting the search. To buttress his arguments, he submits that the petitioner has no criminal antecedents as he has never been involved in any other case. He further submits that the quantity above 100 grams is



commercial quantity and the alleged recovery from the petitioner in the present case is of 147 grams of Alprazolam. He submits that the petitioner is behind bars from last more than 1 ½ years, however, there is no material progress in the trial. 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 petitioner and submits that the petitioner was specifically named in the secret information. He submits that on conducting the search, recovery of 1125 tablets of Apcolam 0.5 containing Alprazolam total weighing 147 grams, was effected, which falls under the commercial quantity and thus, provisions of Section 37 of NDPS Act, are attracted in the present case. He, on instructions, has submitted that out of total 29 prosecution witnesses, only 01 witness has been examined so far. It is further submitted that out of total 04 accused, rest 03 accused are on bail. 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 petitioner is behind bars since the date of his arrest i.e. 09.07.2024. The alleged recovery of 147 grams of Alprazolam, in the present case, has been effected from a public place, which admittedly falls under the category of commercial quantity. As per custody certificate, the petitioner has suffered an incarceration of 01 year, 07 months and 13 days as on 26.02.2026. It further reflects that the petitioner has no criminal antecedents as he has never been involved in any other case. As submitted before this Court, out of total 29 prosecution witnesses, only 01 witness has been examined so far.

6. 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.

7. 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.

8. 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.

9. 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.

27.02.2026
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(RAJESH BHARDWAJ)
JUDGE

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