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

CRM-M-66529-2025

Date of decision : 12.02.2026

Satpal Singh @ Sonu

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

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

Mr. Raj Karan Singh, AAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Petitioner has approached this Court by way of filing the present petition praying for grant of regular bail to him in case FIR No.49 dated 17.02.2025, under Sections 21(C) of the NDPS Act and Section 27 of the NDPS Act added later on, registered at Police Station ANTF District Bathinda, Punjab.

2. Succinctly facts of the case are that the police while on patrolling on 17.02.2025, saw two persons coming on the Activa. On seeing the police, they got perplexed. The police gave signal to stop, however, they tried to escape. On suspicion, both were apprehended. On asking, Activa-driver, disclosed his name as Sukhmander Singh @ Bhoosi and the person sitting pillion, disclosed his name as Satpal Singh @ Sonu (petitioner). They were suspected to be carrying some contraband thus, their personal search was conducted. On conducting the search, from the right pocket of jacket of Sukhmander Singh @ Bhoosi, 510 grams of heroin was recovered and from the search of petitioner-Satpal Singh @ Sonu, one Samsung Keypad mobile phone was recovered however, no contraband was recovered from him.



They failed to produce any license regarding the possession of the same thus, the FIR was registered and they were arrested on the spot. On completion of the investigation, challan was presented. On framing of the charges, trial commenced. Petitioner approached the Court of learned Judge, Special Court, Bathinda, however, after hearing counsel for the parties, the same was declined vide order dated 14.10.2025. Aggrieved by the same, petitioner is before this Court by way of filing the present petition.

3. It has been submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. He submits that petitioner had taken the lift from the co-accused and he was never aware about the possession of any contraband by the co-accused. To buttress his arguments, he submits that during personal search of both, recovery has been effected from the co-accused and not from the petitioner. He submits that though the petitioner was involved in one another case however, he is on bail in that case. He submits that the false implication of the petitioner is evident from the record. He thus submits that in the facts and circumstances of the case, petitioner deserves to be granted regular bail.

4. Learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner. He submits that the independent witness was joined in this case. He has further submitted that the contraband recovered in the present case is 510 grams of heroin which falls under the commercial quantity thus, provisions of Section 37 of the NDPS Act are attracted. He submits that out of 21 prosecution witnesses, 18 witnesses already stand examined. He has placed on record the custody certificate.

5. 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.'

6. After hearing counsel for the parties and perusing the record, it is deciphered that the recovery of heroin was only effected from co-accused, namely, Sukhmander Singh @ Bhoosi. Custody certificate filed by the State shows that the petitioner has undergone actual sentence of 11 months and 22 days as on 11.02.2026. It further reflects that though the petitioner is involved in one another case, however, he is on bail in that case As submitted, out of total 21 prosecution witnesses, 18 witnesses already stand examined.

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. 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. 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.

12.02.2026
m.sharma

(RAJESH BHARDWAJ)
JUDGE

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