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

CRM-M-70162-2025

Date of decision: 27.01.2026

BIJENDER**...PETITIONER****VERSUS****STATE OF HARYANA****...RESPONDENT****CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Abhimav Jangra, Advocate and
Mr. Arman Goel, Advocate for the petitioner.

Ms. Diya Sodhi, Sr. DAG, Haryana.

RAJESH BHARDWAJ, J. (ORAL)

1. Present second petition has been filed for grant of regular bail in case FIR No.601 dated 21.07.2024 under Sections 20 and 29 of NDPS Act, 1985 (Section 27-A of NDPS Act added later on), registered at Police Station Sector-58, District Faridabad.

2. Succinctly, the facts of the case are that the police party, while on patrolling on 21.07.2024, received a secret information to the effect that Narender Shah was involved in smuggling of drug ganja and was keeping a huge quantity of the contraband in his house. If the raid was conducted, the same could be recovered. On receiving the secret information, the raiding party reached the house of the Narender Shah from where 195 Kgs 810 grams of ganja was recovered from his house. He failed to produce any licence regarding the possession of the same and he was arrested on the spot. The FIR was registered, investigation commenced. During investigation, Narender Shah made disclosure statement about one Happy, who used to bring the contraband from Orissa and supply it to Dharmendra through another accused. On the basis of their disclosure

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driver of the truck from which the contraband was smuggled from Orissa to Haryana. Thus, he was also arrayed as an accused and resultantly, arrested on 23.07.2024. On completion of the investigation, the challan was presented and on framing of charges, trial commenced. He approached the learned Additional Sessions Judge, Faridabad for grant of bail. However, after hearing both the sides and finding no merit in the same, the learned learned Additional Sessions Judge, Faridabad declined the bail application vide order dated 27.05.2025. Aggrieved by the same, petitioner is before this Court praying for the grant of bail by way of filing the present petition.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that the only evidence against the petitioner is the disclosure statement of the co-accused, which was not even admissible. He further submits that the petitioner had been alleged to be driver of the truck owned by Jahid. He further submits that the co-accused, Jahid, who is the owner of the truck has approached the Hon'ble Supreme Court praying for the grant of regular bail. However, the Hon'ble Supreme Court vide order dated 18.12.2025 has released him on bail. He further submits that the owner of the truck had been admitted to bail by the Hon'ble Supreme Court. The case of the petitioner is on much better footing and deserves to be granted bail. He further submits that petitioner is behind bars since 23.07.2024 and he has no criminal antecedents.

4. Per contra, learned State counsel has opposed the submissions made by the counsel for the petitioner and submits that the petitioner along with the co-accused had smuggled the contraband from Orissa. The recovery has been effected from the house of the co-accused, namely, Narender Shah. She further

submits that the alleged recovered contraband weighing 195 Kgs 180 grams of



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ganja falls within the category of commercial quantity. Thus, the rigours of Section 37 of the NDPS Act are attracted in the present case. She, on instructions, submits that out of total 36 prosecution witnesses, 06 have been examined till date. She has placed on record the custody certificate of the petitioner on record.

5. Heard.

6. On hearing learned counsel for the parties and perusing the record, it is deciphered that the case of the petitioner in the present case was arrayed as an accused on the basis of disclosure statement of the co-accused, namely, Happy and Jahid. The owner of the truck, namely, Jahid has already been granted bail by the Hon'ble Supreme Court of India. The co-accused, namely, Happy on whose disclosure statement, the petitioner was arrayed as an accused is also on bail by this Court. Custody certificate produced would show that the petitioner has completed incarceration of 01 year, 06 months and 05 days as on 26.01.2026. It further reflects that the petitioner is not involved in any other case. Out of total 36 prosecution witnesses, only 06 have been examined.

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



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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 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.

9. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail



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to the petitioners. Accordingly, the present petitions are allowed. 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.

27.01.2026
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(RAJESH BHARDWAJ)
JUDGE

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