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

CRM-M No.72693 of 2025

Date of Decision: 12.03.2026

Imran

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Sandeep Singh Jattan, Advocate and
Ms. Sundeep Kaur, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

RAJESH BHARDWAJ, J. (ORAL)

1. Present second petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.431, dated 08.09.2024, under Section 21(C) of NDPS Act, registered at Police Station Yamuna Nagar Sadar, District Yamuna Nagar.

2. Succinctly, the facts of the case are that the police party while on patrolling on 08.09.2024, received a secret information to the effect that Imran (petitioner) was involved in selling of heroin. It was informed that Imran was coming to Jagadhri on his motorcycle to sell the heroin to his customers and in case of barricading, he could be apprehended along with the contraband. On receiving the secret information, the barricading was laid at the place as disclosed in the secret information. The person, as informed in the secret information, was seen coming on the motorcycle. He, on seeing the police, got perplexed and tried to ran away. However, he was apprehended by the police party. On asking, he disclosed his name to



be Imran. He was suspected to be carrying some contraband and thus, his search was conducted. On conducting his personal search, a transparent plastic foil was recovered from the left pocket of his shirt and thus, search of the same was conducted. On conducting the search of the same, 500 grams of heroin was recovered. He failed to produce any licence regarding the conscious possession of the same and thus, the FIR was registered and he was arrested on the spot. On registration of the FIR, the investigation commenced. The samples taken were sent to the FSL. On receipt of the FSL report, the challan was presented. The petitioner approached the Court of learned Additional Sessions Judge, Yamuna Nagar praying for the grant of regular bail. However, after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge, Yamuna Nagar declined the bail application filed by the petitioner vide order dated 09.12.2024. Being aggrieved, the petitioner earlier approached this Court praying for the grant of regular bail by way of filing CRM-M-3722-2025, however the same was dismissed as not pressed vide order dated 22.09.2025. Hence being aggrieved, the petitioner is again before this Court praying for the grant of regular bail by way of filing the present second petition.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. He has submitted that admittedly the case is based on the secret information, however, there is a violation of mandatory provisions of Section 42 of NDPS Act. He has submitted that the alleged recovery effected in the present case is from the personal search of the petitioner, however, there is a violation of mandatory provisions of Section 50 of NDPS Act. He has submitted that the alleged recovery effected is from the public place but no independent witness was



joined. He has submitted that the petitioner is behind bars from last more than 1 year, however, there is no material progress in the trial. He has further submitted that though the petitioner is involved in 08 other cases, however, in 04 of the cases, he is on bail, in 01 case he has undergone the sentence and in 03 cases, he has been acquitted. He has thus submitted that false implication of the petitioner is writ large. He has submitted that in the facts and circumstances, the petitioner deserves to be granted regular bail.

4. *Per contra*, learned counsel for the State has vehemently opposed the submissions made by learned counsel for the petitioner. He has submitted that the petitioner was specifically named in the secret information. He has submitted that the alleged recovery of 500 grams of heroin was effected from the petitioner, which is commercial in nature, and, thus, the provisions of Section 37 of NDPS Act are attracted. He has submitted that the petitioner is a habitual offender as he is involved in other cases as well. He, on instructions, has submitted that out of total 15 prosecution witnesses, 02 witnesses have been examined so far. He has produced custody certificate of the petitioner today in the Court, which is taken on record.

5. Heard.

6. On hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner is behind bars since the date of his arrest. The alleged recovery effected is from the public place on the basis of secret information. Custody certificate produced would show that the petitioner has suffered an incarceration of 01 year, 05 months and 29 days as on 11.03.2026. It further reflects that the petitioner is involved in 08 other cases, however, in 04 of the cases, he is on bail, in 01 case he has



undergone the sentence and in 03 of the cases, he has been acquitted. Out of total 15 prosecution witnesses, 02 witnesses have been examined so far.

7. 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 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.

9. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for the grant of bail.

10. 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.

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

12.03.2026

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

(RAJESH BHARDWAJ)
JUDGE