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

**CRM-M No.31655 of 2025
Date of Decision: 27.08.2025**

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

Present :- Mr. Yashpal Thakur, Advocate
for the petitioner.

Ms. Diya Sodhi, Sr. DAG, Haryana.

***********RAJESH BHARDWAJ, J. (Oral)**

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.44, dated 05.03.2024, under Sections 20-C, 29 of NDPS Act, 1985 and Section 201 of IPC, registered at Police Station Kosli, District Rewari, Haryana.

2. Succinctly the facts of the case are that the police party, while on patrolling on 05.03.2024, received a secret information to the effect that two persons, who are sitting in vehicle bearing registration No.HR-90A-9434 mark Maruti Suzuki Ertiga, having narcotic substance in their possession and they are trying to sell the same on the roadside of Kosli bypass. In case of raid, they could be arrested along with the contraband. On receiving the secret information, the raiding party was constituted. The



police party reached at the spot, as disclosed in the secret information and found two persons sitting in the car, as disclosed, who, on seeing the police, got perplexed, however they were apprehended. On asking, they disclosed his name to be Rajat and Kailash Dalal. They were suspected to be carrying some contraband and thus, the search was conducted. On conducting the search, one polythene bag of white colour in the lap of Kailash Dalal was recovered. However on conducting the search of polythene bag, sulfa (charas) weighing 1 Kg 100 grams was recovered. They failed to produce any licence regarding the conscious possession of the same, thus, the FIR was registered and both were arrested on the spot. On registration of the FIR, the investigation commenced. The samples taken were sent to the FSL. During the investigation, complicity of the petitioner was surfaced and thus, he was also arrayed as an accused in the present case. Resultantly, he was arrested on 18.05.2024. On completion of the investigation, the challan was presented. The petitioner approached the Court of learned Sessions Judge, Rewari praying for grant of bail, however, after hearing both the sides and finding no merit in the same, the learned Sessions Judge, Rewari declined the petition filed by the petitioner vide order dated 07.09.2024. Being aggrieved, the petitioner earlier approached this Court thrice by way of filing CRM-M-53970-2024; CRM-M-4566-2025 and CRM-M-12265-2025 praying for the grant of bail, however all the petitions were dismissed as withdrawn vide orders dated 09.12.2024, 03.02.2025 and 19.03.2025, respectively. Hence being aggrieved, the petitioner is again before this Court praying for the grant of bail by way of filing the present fourth petition.

3. Learned counsel for the petitioner has vehemently contended



that the petitioner has been falsely implicated in the present case. He has submitted that the petitioner has been arrayed as an accused in the present case on the basis of disclosure statement of co-accused, which is not even an admissible evidence. He has further submitted that neither the petitioner was arrested on the spot nor any recovery has been effected from him. He has further submitted that the petitioner is behind bars since the date of his arrest, i.e. 18.05.2024, however there is no progress in the trial and thus, his right of speedy trial has been defeated. He has submitted that co-accused of the petitioner, namely, Rajat and Kailash Dalal, from whom the recovery has been effected, have already been granted bail by this Court vide orders dated 16.01.2025 and 27.02.2025 passed in CRM-M-723-2025 and CRM-M-9847-2025 and thus, case of the petitioner is at par with that of the co-accused. He has submitted that in the facts and circumstances, the petitioner deserves to be granted regular bail.

4. *Per contra*, learned State counsel has opposed the submissions made by counsel for the petitioner. She has submitted that the recovery effected from the co-accused is 1 Kg 100 grams of charas, which is a commercial quantity, and thus, the provisions of Section 37 of NDPS Act are attracted in this case. She, on instructions, has submitted that out of total 23 prosecution witnesses, no witness has been examined so far. She has submitted that the petitioner is involved in one more case under the NDPS Act, in which the recovery of 22 Kg of charas has been effected from him. She has endorsed the fact that co-accused of the petitioner have already been granted bail by this Court.

5. Heard.

6. On hearing learned counsel for the parties and perusing the



record, it is deciphered that the petitioner was arrayed as an accused in the present case on the basis of disclosure statement. He was arrested on 18.05.2024 and since then, he is behind bars. The recovery effected from co-accused of the petitioner is 1 kg 100 grams of charas, which is a commercial quantity. As submitted before this Court by learned State counsel, the petitioner is involved in one more case under NDPS Act. Out of 23 prosecution witnesses, no witness has been examined so far. Co-accused of the petitioner have already been granted bail by this 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.”

9. 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. The trial of the case will take sufficiently long time.

10. 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 on parity. Accordingly, the present petition is 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. However, if



the petitioner does not furnish the bail bonds within seven days from today, then his further custody period after one week will not be counted in this case.

27.08.2025

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Whether speaking/reasoned
Whether reportable

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Yes/No
Yes/No

**(RAJESH BHARDWAJ)
JUDGE**