



secret information reliable, the raiding team was constituted and the same reached at the place disclosed. Two persons were found sitting along with a black polythene bag. On asking, they disclosed their names as Mohd. Yasin @ Sony and Mohd. Rafi (petitioner). They were suspected to be carrying some contraband in the black polythene carried by them and thus, the recovery of the same was conducted. On the search, 3 Kg 500 grams of Sulfa (charas) was recovered from the same. They failed to produce any licence regarding the conscious possession of the same and thus the FIR was registered and both of them were arrested on the spot. On registration of the FIR, the investigation commenced. The samples taken were sent to the FSL. The petitioner approached the Court of learned Judge, Special Court, Sangrur praying for the grant of bail. However, after hearing both the sides finding no merit in the same, the learned Judge, Special Court, Sangrur declined the petition filed by the petitioner vide order dated 25.04.2024. Being aggrieved the petitioner earlier approached this Court by way of filing CRM-M-22739-2024, which was dismissed as withdrawn vide order dated 10.05.2024. Hence being aggrieved, the petitioner is before this Court by way of filing the present second petition praying for the grant of regular bail.

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 FIR was registered on the basis of secret information, however there is no compliance of mandatory provisions of Section 42 of NDPS Act. He has submitted that the recovery has been effected from the public place, however no independent witness has been joined and thus there is a violation of Section 50 of NDPS Act as well. He has submitted that the petitioner is behind bars since the date of his arrest, i.e. 17.12.2023, however there is no material progress in the trial and thus, the right of speedy trial of the petitioner is also

defeated. He submits that co-accused of the petitioner, namely, **Mohd. Yasin @ Sony** has already been granted bail by this Court vide order dated 23.05.2025 passed in **CRM-M No.21943 of 2025** and thus, case of the petitioner is at par with that of the co-accused, who has been granted bail by this Court. He has submitted that the petitioner has no criminal antecedents and thus, he deserves to be granted bail.

4. *Per contra*, learned counsel for the State however has opposed the submissions made by counsel for the petitioner. He, on instructions, has submitted that the secret information was received specifically against the petitioner and co-accused and thus, the raid was conducted. He has submitted that the contraband *sulfa* weighing 3.5 Kg was recovered, which is a commercial quantity and thus the provisions of Section 37 of NDPS Act are attracted. He, on instructions, has submitted that out of 17 prosecution witnesses, only 02 witnesses have been partially examined. He has further endorsed the fact that co-accused of the petitioner has already been granted bail by this Court vide order dated 23.05.2025.

5. Heard.

6. After hearing learned counsel for the parties and perusing the record, it is deciphered that FIR in the present case was registered on the basis of secret information. The alleged recovery has been effected from the public place. The petitioner is behind bars since the date of his arrest, i.e. 17.12.2023. The petitioner has no criminal antecedents as he is not involved in any other case. Co-accused of the petitioner has already been granted bail by this Court vide order dated 23.05.2025.

7. This Court would refrain itself from commenting anything on the merits of the case. The petitioner is in custody since the date of his arrest, i.e. 17.12.2023 and co-accused, namely, **Mohd. Yasin @ Sony**, whose case is

stated to be at par with the petitioner, has already been granted bail by this Court vide order dated 23.05.2025. The petitioner is not involved in any other case.

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. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail on the basis of parity as the co-accused, namely, ***Mohd. Yasin @ Sony*** has already been admitted to bail by this Court as stated above.

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.

**28.05.2025**

*Parveen kumar*

**(RAJESH BHARDWAJ)  
JUDGE**

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