



CRM-M-48310-2025

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

CRM-M-48310-2025

Date of decision :04.09.2025

Amit @ Amti @ Amit Gill

....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Sandeep Arora, Advocate
for the petitioner.

Mr. Raj Karan Singh, A.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed for grant of regular bail in case FIR No.113 dated 13.11.2024 under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station City Nakodar, District Jalandhar Rural.
2. Succinctly the facts of the case are that the Police party while on patrolling on 13.11.2024 saw a clean shaved person coming on foot. On seeing the police, he got perplexed and took out a polythene bag from the left pocket of his pant and threw it on the ground. On suspicion, he was stopped. On asking, he disclosed his name as Amit @ Amti (present petitioner). He was suspected to be carrying some contraband in the polythene being thrown by him and thus, the same was searched. On conducting the search, 110 loose intoxicant tablets were recovered from the same. He failed to produce any license regarding possession of the same and hence, the FIR was registered and he was arrested on spot. The investigation commenced. Samples taken were sent to the FSL. On receipt of FSL report, challan was presented and on framing of charges, the trial



commenced. The petitioner approached the Learned Judge, Special Court, Jalandhar praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Judge, Special Court, Jalandhar vide order dated 15.01.2025. Aggrieved by the same, the petitioner is before this Court by way of filing of present petition for grant of bail.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case. He submits that the alleged recovery has been effected from a public place, however, no independent witness was joined by the investigating agency. He submit that there is violation of Section 50 of the NDPS Act in conducting the search. To buttress his arguments, he submits that the petitioner has no criminal antecedents and thus, his false implication is writ large. He submits that in the facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by the counsel for the petitioner and submits that the petitioner was arrested on spot. He submits that the recovery effected was of 110 intoxicant tablets, which as per the FSL report, found to be containing 11.7 grams of Etizolam, and thus, provisions of Section 37 of NDPS Act are attracted in the present case. He, on instructions, has submitted that out of total 08 prosecution witnesses, 04 witnesses remained to be examined. He has placed on record the custody certificate of the petitioner on record.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the recovery effected in the present case is 110 loose intoxicant tablets, which contains 11.7 grams of Etizolam. As submitted,



04 witnesses remained to be examined. As per custody certificate, the petitioner has suffered an incarceration of 09 months and 20 days as on 03.09.2025. It further reflects that the petitioner has no criminal antecedents. All the witnesses are official witnesses out of which, half of the witnesses already stand examined.

6. 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.

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.

8. 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. 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.

(**RAJESH BHARDWAJ**)
JUDGE

04.09.2025

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