



about the complicity of Vishal Kumar @ Vishu, i.e. the petitioner. Thus the petitioner was also arrayed as an accused and he was arrested on 17.09.2023. During the investigation, the petitioner disclosed about the drugs which he has kept in his rented room. The Investigating Agencies raided the premises as disclosed by the petitioner and recovered 990 tablets of Alprazolam from his premises. The petitioner failed to produce any licence regarding the conscious possession of the same and thus he was prosecuted in the present FIR. The petitioner approached the Court of learned Judge, Special Court, SAS Nagar (Mohali) praying for the grant of bail. However after hearing both the sides finding no merit in the same, the learned Judge, Special Court, SAS Nagar (Mohali) declined the same vide his order dated 28.05.2024. Being aggrieved, the petitioner had earlier approached this Court by way of filing CRM-M-34483-2024 praying for the grant of bail, however the same was dismissed as not pressed vide order dated 19.09.2024. 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, at the outset, prays for the grant of bail to the petitioner on the basis of parity with that of the co-accused, namely, Manjit Singh @ Doctor @ Chigal @ Manjeet Chigal. He has drawn the attention of this Court to the order dated 16.05.2025 passed in **CRM-M-25911-2025**, whereby, co-accused Manjit Singh @ Doctor @ Chigal @ Manjeet Chigal has been granted regular bail by this Court. He has submitted that the case of the petitioner is at par with the said co-accused. He submits that the petitioner is in custody since 17.09.2023. He submits that on the basis of the parity, the petitioner deserves to be granted bail as



the case of the petitioner is similar to that of the said co-accused, who has already been granted bail.

4. Learned State counsel has endorsed the factum of grant of bail to the co-accused of the petitioner as stated above and has not denied that the petitioner is at par with the co-accused, namely, Manjit Singh @ Doctor @ Chigal @ Manjeet Chigal. However, he submits that the recovered contraband falls under the commercial quantity, and thus provisions of Section 37 of NDPS Act, are attracted. He, on instructions, has submitted that out of total 17 prosecution witnesses only 03 witnesses have been examined so far.

5. After hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner is behind bars since 17.09.2023 Co-accused, namely, Manjit Singh @ Doctor @ Chigal @ Manjeet Chigal Singh is on bail and the case of the petitioner as stated is at par with him. Out of total 17 prosecution witnesses, 03 witnesses have been examined. As stated before this Court the petitioner is behind bars since the date of his arrest i.e. 17.09.2023.

6. 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.

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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.*

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

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

(RAJESH BHARDWAJ)
JUDGE

20.05.2025

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Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No