



224

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

**CRM-M No.22934 of 2025
Date of Decision: 08.09.2025**

Amarjit Singh**.....Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ***********

Present :- Mr. D. S. Virk, Advocate
for the petitioner.

Ms. Simran Gorla, Asstt. A.G., Punjab.

***********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.67, dated 13.05.2024, under Section 15 of NDPS Act, registered at Police Station Sadar Samana, District Patiala.

2. Succinctly the facts of the case are that the police party, while on patrolling on 13.05.2024, received a secret information to the effect that Amarjit Singh (petitioner), Inder Singh and Joga Singh in connivance with each other along with 02 unidentified young persons were involved in selling of the Poppy Husk. It was informed that they were sitting under the shadow of poplar trees situated on the side lane of canal minor from village Dhanetha towards village Arai and waiting for their customers and in case of raid, they could be apprehended along with the contraband. On



receiving the secret information, the raiding party was constituted and raided the place as disclosed in the secret information. However, on seeing the police party the persons, who were sitting, got perplexed and escaped leaving the contraband behind. The police recovered 60 Kg of Poppy Husk, which they left behind. On registration of the FIR, the investigation commenced. Being aggrieved, the petitioner approached this Court praying for the grant of anticipatory bail by way of filing CRM-M-48610-2024, which was granted by this court vide order dated 27.09.2024, however the petitioner was arrested in some other case, hence, the petition was allowed to be dismissed as withdrawn vide order dated 16.01.2025. The petitioner was arrested in this case on 22.12.2024. He approached the Court of learned Judge, Special Court, Patiala praying for grant of bail, however, after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Patiala declined the bail application filed by the petitioner vide order dated 16.04.2025. Hence being aggrieved, the petitioner is before this Court praying for the grant of bail by way of filing the present 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 admittedly the FIR in the present case is registered on the basis of secret information but there is a violation of mandatory provisions of Sections 42 of NDPS Act. He has submitted that this Court had granted interim bail to the petitioner vide order dated 27.09.2024, however as the petitioner was arrested in another FIR, hence the petition filed by the petitioner was allowed to be dismissed as withdrawn vide order dated 16.01.2025. He has submitted that even otherwise the recovery effected is



60 Kg of Poppy Husk, whereas the commercial quantity is above 50 Kg. He has submitted that the petitioner is behind bars since the date of his arrest, i.e. 22.12.2024, however there is no progress in the trial. He has submitted that though the petitioner is involved in 03 other cases, however he is on bail in those cases. He has further submitted that the co-accused of the petitioner, namely, Joga Singh and Inderjit Singh @ Inder have already been granted anticipatory bail by this Court vide orders dated 19.11.2024 and 08.01.2025, respectively, passed in CRM-M-30603-2024 and CRM-M-33914-2024. 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 petitioner and the co-accused was 60 Kg of Poppy Husk, which is a commercial quantity and thus, the provisions of Section 37 of NDPS Act are attracted. She has submitted that the petitioner is involved in 03 other cases. She, on instructions, has submitted that the investigation is complete, however the charges are yet to be framed.

5. Heard.

6 On hearing learned counsel for the parties and perusing the record, it is deciphered that the FIR was registered on the basis of secret information. Recovery effected in the present case is 60 Kg of Poppy Husk, which is commercial in nature. The allegations against the petitioner and the co-accused are that they escaped from the spot leaving the contraband behind. Investigation already stands complete. Co-accused of the petitioner are already on bail. As submitted before this Court that



though the petitioner is involved in 03 other cases, however he is on bail in those cases.

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.”

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

9. 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. 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.

08.09.2025

rittu

Whether speaking/reasoned
Whether reportable

:
:

**(RAJESH BHARDWAJ)
JUDGE**

Yes/No
Yes/No