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

**CRM-M No.55017 of 2025  
Date of Decision: 08.10.2025**

**Manjit @ Manga****.....Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ****\*\*\*\*\***

Present :- Mr. Gurmehar Singh Minhas, Advocate  
for the petitioner (through video conferencing).

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

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

1. Present second petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.58, dated 11.05.2022, under Section 22 of NDPS Act, registered at Police Station Sadar, District Jalandhar.

2. Succinctly the facts of the case are that the police party, while on patrolling on 11.05.2022, saw a person coming on his motorcycle bearing registration No.PB-08-EE-0168 make Hero Splendor, who, on seeing the police, got perplexed and started turning back. However, on suspicion, he was apprehended and on asking, he disclosed his name to be Manjit @ Manga (petitioner). He was suspected to be carrying some contraband and thus, his search was conducted. On conducting his search,



03 black waxed envelopes of narcotic pills, 15 tablets in each envelope, were recovered from the right pocket of his trouser, i.e. total 45 tablets of the brand Etizolam. He failed to produce any licence regarding the conscious possession of the same, thus, the FIR was registered and he was arrested on the spot. The samples taken were sent to the FSL. On completion of the investigation, the challan was presented. The petitioner approached the Court of learned Judge, Special Court, Jalandhar praying for grant of bail, however, after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Jalandhar declined the bail application filed by the petitioner vide order dated 31.08.2022. Being aggrieved, the petitioner earlier approached this Court by way of filing CRM-M-45229-2022, however the same were dismissed as withdrawn vide order dated 12.04.2023. Hence being aggrieved, the petitioner is again before this Court praying for the grant of bail by way of filing the present second 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 from the case of the prosecution, it is apparent that no independent witness has been joined, however, the alleged recovery has been effected from the public place. He has submitted that the alleged recovery effected is from the personal search of the petitioner but there is a violation of mandatory provisions of Section 50 of NDPS Act. He has submitted that the petitioner is behind bars from last more than 03 years, however there is no material progress in the trial and thus, the right of speedy trial of the petitioner has been miserably defeated. To buttress his arguments, learned counsel for the petitioner has submitted that the



petitioner has never been involved in any other case of the similar nature. 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. He has submitted that the recovery effected from the petitioner is 45 tablets of Etizolam, which as per the FSL report were found to be 6.525 grams and the same was commercial in nature and thus, the provisions of Section 37 of NDPS Act are attracted. He has submitted that the petitioner is involved in one more case. He, on instructions, has submitted that out of 12 prosecution witnesses, 07 witnesses still remain to be examined. He has produced custody certificate of the petitioner today in the Court and the same is taken on record.

5. The Court has heard learned counsel for the parties and perused the record with their able assistance.

6. It is not disputed that the petitioner is behind bars since 11.05.2022. The alleged recovery effected is from the public place and the same falls under the category of commercial quantity. Custody certificate produced would show that the petitioner has completed incarceration of 03 years, 04 months and 25 days as on 07.10.2025. It further reflects that no other case pending against the petitioner under the NDPS Act, while he is involved in 01 more case, which is under the Prison Act, in which he is on bail. Needless to say that the every accused has the right of speedy trial.

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. xxxxxx*

*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. xxxxxx*

*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"<sup>22</sup> (also see Donald Clemmer's 'The Prison Community' published in 1940<sup>23</sup>). 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 Hon’ble Supreme Court in *Ashim @ Asim Kumar Haranath Bhattacharya @ Asim Harinath Bhattacharya @ Aseem Kumar Bhattacharya Vs. National Investigation Agency, 2022(1) SCC 695* has held as under:

*“Deprivation of personal liberty without ensuring speedy trial is not consistent with Article 21 of the Constitution of India. While deprivation of personal liberty for some period may not be avoidable, period of deprivation pending trial/appeal cannot be unduly long. At the same time, timely delivery of justice is part of human rights and denial of speedy justice is a threat to public confidence in the administration of justice.”*

9. The Hon’ble Supreme Court in a recent decision dated 03.07.2024 in ‘**Javed Gulam Nabi Shaikh Vs. State of Maharashtra, Criminal Appeal No. 2787 of 2024**’, has held that howsoever serious a crime may be, an accused has the right to speedy trial under the Constitution of India.

10. 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.

11. 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.

**08.10.2025**

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Whether speaking/reasoned  
Whether reportable

:  
:

Yes/No  
Yes/No

**( RAJESH BHARDWAJ )  
JUDGE**