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

**CRM-M No.55153 of 2025  
Date of Decision: 08.10.2025**

**Jobnjit Singh @ Jobanjit Singh****.....Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ****\*\*\*\*\***

Present :- Mr. Davinder Singh Saini, Advocate  
for the petitioner.

Mr. Raj Karan Singh, 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.175, dated 28.09.2023, under Sections 22-29-61-85 of NDPS Act, registered at Police Station Garhshankar, District Hoshiarpur.

2. Succinctly the facts of the case are that the police party, while on patrolling on 28.09.2023, saw a person coming on foot. On seeing the police, he got perplexed and tried to escape by entering into the bushes. However on suspicion, he was apprehended. On asking, he disclosed his name to be Jobanjit Singh (petitioner). He was suspected to be carrying some contraband and thus, his search was conducted. On conducting the search of right pocket of his pant, a polythene envelope was recovered. However on conducting the search of envelope, 260 grams of intoxicant substance was recovered. 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 receipt of the FSL report, the contraband effected was found to be 260 grams of Alprazolam. On completion of the investigation, the challan was presented. The petitioner approached the Court of learned Judge, Special Court, Hoshiarpur praying for grant of bail, however, after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Hoshiarpur declined the bail application filed by the petitioner vide order dated 04.09.2025. Hence being aggrieved, the petitioner is before this Court by way of filing the present 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 alleged recovery has been carried out in a public place, however no independent witness has been joined. He has submitted that as per the case of the prosecution, the recovery has been effected from the right pocket of the pant of petitioner and thus, the same 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 false implication of the petitioner is writ large. He has submitted that the petitioner is behind bars for last more than 1½ year, however the trial is not yet concluded. To buttress his arguments, learned counsel for the petitioner has submitted that the petitioner has no criminal antecedents as he has never been involved in any other case. 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 search of the petitioner is 260 grams of Alprazolam, which is commercial in nature and thus, the provisions of Section 37 of NDPS Act are attracted. He, on instructions, has submitted that out of 11 prosecution witnesses, 05 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. Heard.

6. On hearing learned counsel for the parties and perusing the record, it is deciphered that the recovery in the present case has been effected from the personal search of the petitioner. The petitioner is behind bars since 28.03.2024. The recovery of 260 grams of Alprazolam effected from the petitioner falls under the category of commercial quantity. Custody certificate produced would show that the petitioner has completed incarceration of 01 year, 08 months and 22 days as on 07.10.2025. It further reflects that the petitioner is not involved in any other case. 05 witnesses still remain to be examined, out of total 11 prosecution witnesses. Needless to say that every accused has the fundamental 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. 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”<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 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.

**08.10.2025**

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Whether speaking/reasoned

:

Yes/No

Whether reportable

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Yes/No

**( RAJESH BHARDWAJ )**  
**JUDGE**