



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

213

CRM-M-18488-2026 (O&M)

Date of decision : 10.04.2026

Kamal Singh

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Punit Verma, Advocate and
Mr. Joginder Sharma, Advocate
for the petitioner.

Mr. Birender Bikram Attrey, AAG Haryana

SURYA PARTAP SINGH, J.

This petition for bail is the first petition, filed by the petitioner under Section 483 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. It has been filed with regard to a case arising out of FIR No.247 dated 16.09.2025, for the commission of offence punishable under Sections 15-C and 29 of Narcotic Drugs and Psychotropic Substances Act, hereinafter being referred to as 'NDPS Act', Police Station Sadar Kaithal, District Kaithal.

2. The FIR of this case came into being at the instance of 'SI Balraj Singh' who had reported that on 16.09.2025, when he was leading a team of police officials he received an information from a passerby that 'Madu Ram' and 'Manjit Singh' were involved in the illegal trading of poppy husk, and that they used to bring it from Madhya Pradesh in a truck and that at secluded place they used to transfer it from the truck to



their own vehicle. It was also informed that on that day they were travelling in a Swift car bearing Registration No.HR-14L-9723.

3. It is the case of the prosecution that pursuant to abovementioned information the car described above, was intercepted on the roadside and in was found that in the abovementioned car the accused 'Madu Ram' and 'Manjit Singh' were travelling. According to prosecution when search of the abovementioned car was conducted, the recovery of 134.535 kg poppy husk took place. The prosecution has further alleged that along with car there was a truck, also, wherein 'Mukesh Sonia' and 'Kamal Singh' (the petitioner herein) were present. As per prosecution, on search of the abovementioned truck 30.22 kg poppy husk was recovered.

4. It is the case of the prosecution that pursuant to recovery of abovementioned contraband, necessary formalities with regard to seizure & sealing of contraband, lodging of FIR, and formal arrest of the accused were completed, and further investigation taken up.

5. **Notice of motion.**

6. Mr. Birender Bikram Attrey, AAG Haryana appears on behalf of respondent-State. Hence service of notice upon the State is hereby dispensed with. The learned State Counsel has filed custody certificate of the petitioner. The same be taken on record. No formal reply has been filed by the State. However, the learned State Counsel has orally opposed the present petition.

7. Heard.



8. It has been contended by learned counsel for the petitioner that in the present case, the recovery had taken place from four different persons travelling in two different vehicles and that the recovery from possession of petitioner, who was travelling in the truck, comes within the ambit of non-commercial quantity. It has further been contended by learned counsel for the petitioner that the petitioner has clean antecedents and he has already suffered incarceration for a period of more than six and half months.

9. *Per contra*, the learned State Counsel has contended that in the present case the allegations are very specific, to the effect that the accused 'Madu Ram' and 'Manjit Singh' were transferring the contraband from the truck to their car, and that during the abovesaid process, a raid was conducted by the police officials. According to learned State Counsel in such circumstances, the petitioner, too, is supposed to be in conscious possession of the contraband, which was found inside the car. The learned State Counsel has further contended that, if the abovementioned quantity is taken into consideration, the total quantity of contraband comes within the ambit of commercial quantity.

10. The record has been perused carefully.

11. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration for a decision: -

- (i) that the petitioner is already in custody for a period of more than six and half months;



- (ii) that the petitioner was found inside the truck and from the abovementioned truck, poppy husk weighing 30.22 kg was recovered, which comes within the ambit of non-commercial quantity. Thus, rigors of Section 37 of NDPS Act are not applicable to the present case;
- (iii) that the petitioner has clean antecedents;
- (iv) that the investigation in this case is complete, and therefore, nothing has been left to be recovered from the possession of petitioner;
- (v) that the detention of petitioner in judicial lock up is not likely to serve any purpose;
- (vi) that the trial is not likely to be completed in near future;
- (vii) that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses; and
- (viii) that there is nothing on record to show that if released on bail, the petitioner will not co-operate/participate in trial.

12. In the present case, the principles of law laid down by the Hon'ble Supreme Court of India in the case of "Dataram versus State of Uttar Pradesh and another", 2018(2) R.C.R. (Criminal) 131, are also relevant, wherein it has been observed that "a fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of



bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case”.

13. The principles laid down by the Hon’ble the Supreme Court of India in the case of ‘Satender Kumar Antil Vs. Central Bureau of Investigation and Another’, (2022) 10 SCC 51, are also relevant in this case. In the abovementioned case, it has been observed that “the rate of conviction in criminal cases in India is abysmally low. It appears to us that this factor weighs on the mind of the Court while deciding the bail applications in a negative sense. Courts tend to think that the possibility of a conviction being nearer to rarity, bail applications will have to be decided strictly, contrary to legal principles. We cannot mix up consideration of a bail application, which is not punitive in nature with that of a possible adjudication by way of trial. On the contrary, an ultimate acquittal with continued custody would be a case of grave injustice”.



14. Recently, in the case of ‘Tapas Kumar Palit Vs. State of Chhattisgarh’, 2025 SCC Online SC 322, the Hon’ble Supreme Court of India has observed that “if an accused is to get a final verdict after incarceration of six to seven years in jail as an undertrial prisoner, then, definitely, it could be said that his right to have a speedy trial under Article 21 of the Constitution has been infringed”. It has also been observed by the Hon’ble Supreme Court of India in the abovementioned case that “delays are bad for the accused and extremely bad for the victims, for Indian society and for the credibility of our justice system, which is valued. Judges are the masters of their Courtrooms and the Criminal Procedure Code provides many tools for the Judges to use in order to ensure that cases proceed efficiently”.

15. To elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as mandated by Hon’ble Apex court in “Balwinder Singh versus State of Punjab and Another”, 2024 SCC Online SC 4354.

16. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, it leads to a conclusion that the petitioner is entitled for the benefit of bail, and that the present petition deserves to be allowed.

17. Accordingly, without commenting anything on the merits of the case, the present petition is hereby ***allowed***. The petitioner is hereby ordered



to be released on bail on furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court. However the abovementioned concession shall be subject to following conditions:-

- (i) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.
- (ii) that the petitioner shall at the time of execution of bond, furnish the address to the Court concerned and shall notify the change in address to the trial Court, till the final decision of the trial; and
- (iii) that the petitioner shall not leave India without prior permission of the trial Court.

(SURYA PARTAP SINGH)
JUDGE

10.04.2026

Vinod

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No