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

CRM-M-32465-2026

Date of decision :05.06.2026

Shinder Singh**....Petitioner**

versus

State of Haryana**.....Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Sukhdeep Singh, Advocate
for the petitioner (through V.C.).

Ms. Diya Sodhi, Sr. D.A.G., Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed for grant of regular bail in case FIR No.568 dated 27.09.2025, under Sections 22-C & 29 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sadar Thanesar, District Kurukshetra.

2. Succinctly the facts of the case are that the police party while on patrolling on 27.09.2025, received a secret information to the effect that Shinder Singh (present petitioner), is involved in selling of narcotic tablets/prohibited medicines and today also, he would sell the narcotic medicines in the area of bus stand Sodhi to drug addicts. In case of raid, he could be arrested along with the narcotic substance. On receiving the information, raiding team was constituted and reached the place as disclosed. On suspicion, Shinder Singh was apprehended by the Police Party. He was suspected to be carrying some contraband and thus, search was conducted. On conducting the search, 1575 tablets containing



Alprazolam was effected from him. He failed to produce any licence regarding the possession of the same. Thus, the FIR was registered and he was arrested on the spot. On registration of FIR, the investigation commenced. Samples taken were sent to FSL. Challan was presented and on presentation of challan, charges were framed. The petitioner approached learned Additional Sessions Judge, Fast Track Special Court for trial of Offences under NDPS Act, Kurukshetra praying for the grant of bail. However, after hearing both the sides, finding no merit in the same, the learned trial Court, dismissed the petition filed by the petitioner vide order dated 28.01.2026. 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 contended that the petitioner has been falsely implicated in the present case. He submits that admittedly the case of the petitioner is based on secret information but there is violation of provisions of Section 42 of the NDPS Act. He submits that there is blatant violation of provisions of Section 50 of NDPS Act as well, in conducting the search and the conscious possession itself has not been proved. He submits that the petitioner is more than 70 years of age and he has no criminal antecedents. He submits that the petitioner is a cancer patient who is suffering from prostate cancer and he is behind bars from last more than 06 months. To buttress his arguments, he submits that on account of medical grounds, the petitioner was earlier granted the concession of interim bail vide order dated 17.04.2026 for a period of one month and after availing the same, the petitioner duly surrendered on time. He thus, submits that in the facts and circumstances of the case, the petitioner deserves to be granted bail.



4. Per contra, learned State counsel has opposed the submissions made by the counsel for the petitioner and submits that the petitioner was specifically named in the secret information. She submits that on due compliance of provisions of NDPS Act, recovery of 1575 tablets containing Alprazolam was effected from the petitioner and the same was found to be weighing 197.40 mg. She submits that the recovery effected in the present case falls under the category of commercial quantity and thus, provisions of Section 37 of NDPS Act, are attracted in the present case. She, on instructions, has submitted that out of total 14 prosecution witnesses, only 01 witness has been examined so far. She has produced the custody certificate of the petitioner on record.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the FIR in the present case was registered on the basis of secret information. Petitioner is stated to be more than 70 years of age. Violation of provisions of Section 42 and 50 of NDPS Act, has been vehemently contended. As per custody certificate, the petitioner has suffered an incarceration of 07 months and 04 days as on 04.06.2026. It further reflects that the petitioner has no criminal antecedents. The petitioner is stated to be suffering from prostate cancer.

6. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.

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 trial of the case will take sufficiently long time. 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 to the petitioner.

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

05.06.2026

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(RAJESH BHARDWAJ)

JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No