



CRM-M-40889-2025

1

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

234

CRM-M-40889-2025
Decided on :06.11.2025

Rohit Kumar @ Billa

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. S.K. Choudhary, Advocate for the petitioner.

Mr. Vinay Malhotra, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), seeking regular bail in First Information Report (FIR) No. 26, dated 01.03.2025, registered under Sections 21, 22, 27-A, 61, and 85 of the Narcotic Drugs and Psychotropic Substances (NDPS) Act, at Police Station Division No. 1, District Pathankot.

2. As per the case of the prosecution, petitioner was allegedly apprehended with 10.50 grams of Heroin along with currency amounting to ₹2,510/-, alleged to be drug money.

3. Learned counsel for the petitioner contends that the recovered quantity of Heroin, at 10.50 grams, is much less than the commercial quantity, which is stipulated as 250 grams or more. The



CRM-M-40889-2025

2

counsel submits that the petitioner has been in custody since the registration of the case on 01.03.2025, and despite there being 14 prosecution witnesses, none has been examined till date.

Therefore, considering the non-commercial nature of the recovered quantity (10.50 grams) and the total period of incarceration (eight months), the petitioner prays for the grant of regular bail.

4. On the other hand, learned State Counsel has today filed the Custody Certificate along with the Status Report by way of an affidavit of Satvir Singh, Deputy Superintendent of Police, Sub Division Barnala, District Barnala. Same are taken on record. Registry is directed to tag these documents at the appropriate place with the paper-book.

Learned State Counsel further submits that the petitioner is involved in three other cases under the provisions of the NDPS Act in addition to the present one. The complete details of the petitioner's involvement in other cases are as follows:

- i) **FIR No. 06 dated 09.01.2018**, under Sections 323, 341, 506, 34 IPC, registered at Police Station Division No.2 (petitioner is stated to be on bail)
- ii) **FIR No. 47 dated 27.05.2023**, under Sections 21/61/85 NDPS, registered at Police Station Division No.1 (petitioner is stated to be on bail)
- iii) **FIR No. 83 dated 23.12.2024**, under Sections 21 and 29 NDPS Act, registered at police Station Division No.1.(petitioner is stated to be on bail)

**CRM-M-40889-2025****3**

iv) **FIR No. 22 dated 22.02.2021** under Section 174-A IPC, registered at Police Station Div No.2 (sentence already undergone; custody period completed)

v) **FIR No.18 dated 14.04.2024**, under Sections 21/61/85 NDPS Act, registered at Police Station Div No.1 (custody has been completed)

5. I have heard learned counsel for the parties and have perused the paper-book along with the status report submitted.

6. Undoubtedly, the petitioner is facing trial proceedings in other NDPS cases as detailed above. However, as per the custody certificate, the petitioner has already been released on bail in those cases. Apart from these, the petitioner is also shown to have been convicted and sentenced in case, i.e., FIR No. 18 (supra). As reflected in the custody certificate, the substantive sentence in the said case was only five days, and the petitioner has already been released after having undergone the said period. Further, in respect of FIR No. 22 dated 22.02.2021, registered under Section 174-A IPC, the custody certificate indicates that the petitioner has already undergone the sentence and completed the period of custody therein.

7. Without making any observations on the merits or outcome of the other pending cases, which are yet to be adjudicated finally, it is noticed that in the present case the recovery effected is of 10.50 grams of Heroin, which falls under the category of non-commercial quantity. Therefore, the stringent conditions prescribed under Section 37 of the NDPS Act do not apply. Considering that the petitioner has remained in

**CRM-M-40889-2025****4**

custody since 01.03.2025, and that the trial is likely to take considerable time as none of the prosecution witnesses have been examined so far, further detention of the petitioner would not serve any useful purpose.

Consequently, present petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

8. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.

9. It is further made clear that if, in future, the petitioner is found to be directly involved in similar activities, the prosecution would be at liberty to seek cancellation of bail.

10. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

06.11.2025*Rashmi*

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*