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

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CRM-M-45523-2025 (O&M)
Date of decision: 08.12.2025

Rohit Masih @ Kaka @ Katta**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Vipin Mahjan, Senior Advocate with
Ms. Tejinder Kaur, Advocate
For the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)**1. CRM-46132-2025**

Allowed as prayed for.

Document is taken on record.

2. CRM-M-45523-2025 (O&M)

Prayer in this petition, filed under Section 439 of Cr.P.C., is for grant of regular bail to the petitioner in FIR No. 53 dated 15.05.2025, registered under Sections 21(b) and 27-A the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Dhariwal, District Gurdaspur.

3. As per the allegations, on 15.05.2025, the petitioner was apprehended on the basis of suspicion and recovery of 15.5 grams of heroin along with drug money of Rs.2,000/- was effected from him. He was formally arrested at the spot. Investigation now stands completed and

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challan has been filed.

4. Learned counsel for the petitioner has submitted that he has been falsely implicated in this case. He is in custody since 15.05.2025. He is on bail in other cases registered against him. Rigors of Section 37 of the NDPS Act are not attracted qua him since alleged recovery is of non-commercial quantity. Trial will take considerable time to conclude. His continued detention would not serve any useful purpose. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

5. Status report as well as the custody certificate of the petitioner has been filed by the respondent-State. It is submitted by learned State counsel that keeping in view the gravity of the allegations levelled against the petitioner as well his criminal antecedents, he is not entitled to get benefit of bail. There are chances of his absconding or committing similar offences, if extended benefit of bail. Hence, it is urged that the petition is liable to be dismissed.

6. This Court has heard the rival submissions.

7. The petitioner is in custody since 15.05.2025. The quantity of the contraband allegedly recovered from him does not fall under commercial quantity. Conclusion of trial is likely to take considerable time as even charges have not been framed so far. It is a matter of evidence as to whether the aforesaid money, recovered from the petitioner, was drug money or not? Keeping in view the aforesaid facts, this Court is of the considered opinion that no useful purpose would be served by keeping him in custody anymore.

Accordingly, the present petition is allowed. The petitioner is ordered to be

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released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

8. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

08.12.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No