

2026:PHHC:062564



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-13023-2026

Date of decision: 23rd April, 2026

Rohit Arora

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Kanishq Swaroop, Advocate and
Mr. Ravinder Singh Vohra, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of anticipatory bail in case bearing FIR No. 15 dated 06.02.2024 registered under Section 22(b) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, '*NDPS Act*') at Police Station Civil Lines, Amritsar City.

2. The aforementioned FIR was registered on the allegations that on 06.02.2024, the petitioner was apprehended and was found in conscious possession of 20 strips of intoxicating tablets of Tramadol which were taken into possession. He was formally arrested. During the course of investigation, he moved an application for grant of regular bail. Vide order dated 12.03.2024, the learned Additional Sessions Judge, Amritsar admitted him to interim bail

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till receipt of report of chemical examiner and subject to furnishing bonds by him. After receipt of the FSL report and filing of challan report, notice was issued to the petitioner to appear before the learned trial Court, however, he moved an application for modification of the condition imposed in the order dated 12.03.2024, granting him interim bail and made prayer that his bail be confirmed. This application has been dismissed by learned trial Court vide order dated 03.09.2025.

3. It is argued by learned counsel for the petitioner that he had been extended benefit of ad interim regular bail till the receipt of FSL report. He is a drug addict and is undergoing treatment from de-addiction centre. He had been advised to take routine doses of tablet Bupet-N, i.e. recovered contraband, by the medical practitioner and he has been falsely implicated in this case. An inquiry was conducted during the course of investigation which verified the factum of his being on treatment. Challan has been wrongly presented against him as the medical prescriptions of the petitioner and the statements recorded by the doctors of de-addiction centre have not been taken into consideration. The petitioner has filed a petition seeking quashing of FIR which is pending. The custodial interrogation of the petitioner is not required since challan already stands presented. No useful purpose would be served by detaining him in custody. He is ready to abide by the terms and conditions to be imposed upon him. There are no chances of his absconding. It is, therefore, argued that he deserves to be extended benefit of pre-arrest bail.

4. Status report has been filed. Learned State counsel has argued

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that the petition is not maintainable as the petitioner was extended benefit of interim regular bail and he has misused the same by not surrendering before the concerned Court after receipt of the FSL report. His interim bail was conditional to the extent period of receiving the FSL report. Now non bailable warrants were ordered to be issued against him. Commercial quantity of intoxicant tablets has been recovered from him. Even as per the report of the Doctor of de-addiction centre, the petitioner had been consuming more medication than prescribed one. There is no exceptional circumstance to grant benefit of interim bail to him. Therefore, it is stressed that the petition does not deserve to be allowed.

5. This Court has heard the rival submissions made by learned counsel for the parties at considerable length.

6. The petitioner is alleged to have been found in conscious possession of commercial quantity of intoxicating tablets. He had been extended benefit of interim regular bail on 12.03.2024 which was conditional till the date of receipt of FSL. After filing of FSL report before the Court, the petitioner has not surrendered and moved an application for modification of the order dated 12.03.2024. He has straightaway filed the instant petition for grant of anticipatory bail before this Court without resorting to the remedy of claiming such relief from the Sessions Court at the first instance. No doubt, a petition for grant of anticipatory bail can be straightaway filed before this Court but in exceptional circumstances. No such circumstance has, however, either been pointed out or made out in this case. Moreso, on account of his

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non-appearance, after receipt of FSL report, the order dated 12.03.2024, which was a conditional order only, is presumed to have been cancelled. Admittedly, non bailable warrants have also been issued against him. The well settled proposition of law is that a person released on bail (either interim or otherwise) is already in constructive custody of law and if the law requires him to come back to custody for specified reasons, an application/petition for anticipatory bail apprehending arrest will certainly not lie as there cannot be apprehension of arrest by a person already in constructive custody of law. In this regard, this Court places reliance upon the observations made by Hon’ble Apex Court in ***Manish Jain v. Haryana State Pollution Control Board, 2021(1) AICLR 416.***

7.

In view of the above discussed facts, this Court is of the considered opinion that the petition is not maintainable and is liable to be dismissed. Accordingly, the same is dismissed.
8.

However, it is, clarified that if the petitioner surrenders before the trial Court and files application for regular bail, the same shall be considered on its own merits without being prejudice by this order.
9.

Since the main petition has already been disposed of, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

23rd April, 2026
Parveen Sharma

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No