

2026.PHHC.025965



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

304

CRM-M-39573-2025 (O&M)

Date of decision : 18.02.2026

Rohit Salhotra**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Ms. Aman Rani, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J.

1. This petition has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*wrongly mentioned as 'Section 482' in the head note*) seeking grant of regular bail in case bearing FIR No. 98 dated 24.06.2024, registered under Sections 21-c and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Special Task Force, SAS Nagar.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 24.06.2024, on the basis of a secret information, the petitioner was apprehended by a police party headed by SI Kashmir Singh and recovery of 400 grams of heroin was effected from him. He was formally arrested at the spot. Upon interrogation, he disclosed that he had purchased the recovered contraband from co-accused Sukhdev Singh @ Sukh. After completion of necessary investigation and usual formalities, *challan* was

2026.PHHC.025965



presented in the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforementioned offence.

3. Learned counsel for the petitioner submits that he has been falsely implicated in the present case. A false recovery has been planted upon him. It is further argued that the mandatory provisions of the NDPS Act were not duly complied with, thereby vitiating the prosecution case at its very inception. It is further submitted that the investigation stands concluded and the challan has already been presented before the competent Court and as such, no further custodial interrogation of the petitioner is required. The trial is likely to take considerable time to conclude. It is further argued that the petitioner is not keeping good health. He was allegedly subjected to brutal physical assault while in judicial custody and, as a result, is suffering from multiple ailments, including difficulty in defecation, restricted movement, and inability to bear weight on his right hand. He has also developed bed sores, which have further aggravated his medical condition. The petitioner has been in custody since 24.06.2024. In these circumstances, it is urged that no useful purpose would be served by keeping the petitioner behind bars any longer, and therefore, the present petition deserves to be allowed and the petitioner be released on bail.

4. Status report as well as medical status report of the petitioner has been filed by the respondent-State. Although the medical condition of the petitioner is not disputed, however, the prayer of the petitioner has been opposed by the learned State counsel by submitting that there are serious allegations against him. He was found in possession of commercial quantity of

2026.PHHC.025965



the contraband, which attracts bar under Section 37 of the NDPS Act. Trial is going on at a proper pace. The petitioner has criminal antecedents and there are chances of his committing similar offences, if released on bail. It is, thus, argued that the petition is liable to be dismissed.

5. This Court has heard the rival submissions.

6. The petitioner has remained in custody since 24.06.2024, except for a brief period during which he was granted interim bail on account of his medical condition. A perusal of the medical status report reveals that the petitioner has been under continuous medical supervision owing to his poor health. Despite the medical care and treatment provided by the jail authorities, his condition has shown further deterioration, and he is presently suffering from multiple ailments. Although the allegations levelled against the petitioner prima facie disclose the commission of the alleged offences by the petitioner, however, having regard to his continuously deteriorating health condition, this Court is inclined to adopt a lenient view in the matter. His previous involvement in similar case cannot be made a ground to deny him concession of bail in this case in the given circumstances. Even otherwise, it is well settled proposition of law that grant of bail on account of delay in trial and long period of incarceration is to be considered in the light of Section 37 of the NDPS Act. Reliance in this regard can be placed upon the observations made by Hon'ble Apex Court in ***Mohd. Muslim @ Hussain v. State (NCT of Delhi)***, 2023 SCC OnLine SC 352, wherein it was held that grant of bail on account of undue delay in trial cannot be said to be fettered under Section 37 of the NDPS Act, given the imperative of Section 436-A of Cr.P.C. which is

2026.PHHC.025965



applicable to offence under the Act. It was also observed that jails are overcrowded and their living conditions are, more often than not, appalling. The danger of unjustified imprisonment is that inmates are more likely to be hardened rather than reformed. Reliance can also be placed upon ***Manmandal and Another v. State of West Bengal, Special Leave Petition (Criminal) No.8656 of 2023 decided on 14.09.2023 and Rabi Prakash v. State of Odisha, 2023 SCC Online SC 110***, wherein the Hon'ble Supreme Court had extended benefit of bail to the accused who had been incarcerated for a long period by observing that prolonged incarceration militated against the most precious fundamental right guaranteed under Article 21 of the Constitution and in such a situation, the constitutional principles must override the statutory embargo contained under Section 37 of the NDPS Act.

7. Reliance can also be placed upon ***Santosh Pawar Vs. State of Chhattishgarh & Anr., Criminal Appeal No.4883/2025***, which is a recently pronounced verdict of Hon'ble Supreme Court observing that rigours of Section 37 of NDPS Act will not be a bar for considering the case of an accused for bail as it comes with a condition that the prosecution would press for an early completion of trial. In the above-mentioned case the Hon'ble Supreme Court of India held that appellant who was being prosecuted for being in possession of commercial quantity of narcotic substance, was entitled for bail in view of her incarceration for a period of 19 months.

8. Similarly in another case i.e. in the case of ***Satender Kumar Antil v. Central Bureau of Investigation, (2022) 10 SCC 51*** prolonged incarceration and inordinate delay engaged the attention of the Hon'ble

2026.PHHC.025965



Supreme Court of India, which considered the correct approach towards bail, with respect to several enactments, including Section 37 NDPS Act. The court expressed the opinion that Section 436A (which requires inter alia the accused to be enlarged on bail if the trial is not concluded within specified periods) of the Criminal Procedure Code, 1973 would apply.

9. In the case of *Ismail Khan @ Pathan vs. State of Rajasthan Crminal Appeal No.4911 of 2025* with regard to recovery of commercial quantity of narcotic substance the Hon'ble Supreme Court accorded the benefit of bail to the accused in view of prolonged incarceration for a period of 02 years and 08 months of the accused.

10. The similar benefit has been extended in another appeal i.e. *SLP No.15699-2025 titled as Ebrahim @ Ibrahim SK vs. The State of West Bengal* and in the case of *Pamesh Arora vs. UT Chandigarh Criminal Appeal No.4872 of 2025*.

11. Keeping in view the aforesaid fact and circumstances, this Court is of the considered opinion that the continued detention of the petitioner is not likely to serve any fruitful purpose. There is nothing on record to show that if released on bail, the petitioner will not participate in the trial or will abscond or indulge in similar offences. Accordingly, the petition is allowed. The petitioner is ordered to be 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.

2026.PHHC.025965



12. 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.
13. Pending application(s), if any, shall be treated as disposed of.

18.02.2026
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>