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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Decided on :04.02.2026

Rohit Kumar @ Mannu

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Hitesh Chopra, Advocate for the petitioner.
(through video conferencing).

Mr. Ravneet Singh Lekhi, AAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C., seeking regular bail in FIR No. 85 dated 07.08.2025, under Sections 21(b), 61 of NDPS Act, registered at Police Station Tibber, Pathankot, Tehsil Pathankot and District Gurdaspur.

2. Allegation against the petitioner is that while the police party was patrolling in search of suspicious elements, petitioner was seen coming on foot from the dump side of MKC Infrastructure Private Limited. Upon noticing the police party, he allegedly got scared and suddenly turned back. It is further alleged that the petitioner was carrying

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a plastic polythene bag in his left hand, which he threw on the ground. On suspicion, the petitioner was apprehended and disclosed his name as Rohit Kumar @ Mannu. Upon searching the polythene bag, 22 grams of heroin were recovered. Thereafter, on the basis of disclosure statement, another accused, namely Ali Mohammad, was implicated, from whose possession 262 grams of heroin along with drug money amounting to ₹4,030/- was recovered.

3. Learned counsel for the petitioner contends that more than 250 grams of heroin constitutes the threshold for commercial quantity, whereas the quantity allegedly recovered from the petitioner is far below the said threshold. Learned counsel for the petitioner further contends that petitioner is in custody since 07.08.2025, and culmination of the trial is likely to take a considerable time. Therefore, prayer is made for the grant of regular bail.

4. On the other hand, learned State counsel, while referring to the custody certificate, submits that petitioner is involved in another case under the provisions of the NDPS Act, namely FIR No. 45 dated 01.05.2025, registered under Sections 21, 22, 27-A, 61, and 85 of the NDPS Act at Police Station Sadar Pathankot.

5. In response, learned counsel for the petitioner submits that in the said case also, only 08 grams of heroin was allegedly recovered from the petitioner and that he has already been released on bail therein. It is further submitted that petitioner has not been convicted in any case,

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particularly under the NDPS Act. Reiterating the aforesaid submissions, a prayer is made for the grant of regular bail.

6. I have heard learned counsel for the parties and have carefully perused the paper-book, along with the documents appended thereto, including the status report and custody certificate.

7. Undoubtedly, petitioner has not been convicted till date and is stated to be 31 years of age (as per the status report). In the present case, recovery effected from the petitioner is 22 grams of heroin, which is much below the threshold of more than 250 grams prescribed for commercial quantity. Moreover, petitioner is in custody for a period of last about six months. Therefore, this Court finds merit in the prayer for bail so as to afford the petitioner an opportunity to rehabilitate in society.

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.



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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

04.02.2026

Rashmi

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