

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:010306



225

CRM-M-64452-2025 (O&M)
Date of decision:23.01.2026

Mohit @ Mohit Mantu @ Pauta

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Rishu Mahajan, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

...

Manisha Batra, J. (Oral).

1. The instant one is the second petition as filed by the petitioner seeking grant of regular bail in case arising out of FIR No.0052, dated 02.03.2025, registered under Section 21(C) and 27(A) of the NDPS Act (offences under Section 111 of the BNS and Section 29 of the NDPS Act were added lateron), at Police Station Islamabad, District Amritsar. His previous petition bearing CRM-M-29457-2025 has been dismissed as withdrawn vide order dated 22.08.2025.

2. As per the allegations, on 02.03.2025, accused Karan @ Karan Commando was apprehended by the police on the basis of suspicion and recovery of 255 grams of heroin and drug money of Rs.2200/- had been effected from him, which was taken into custody by the police. The abovesaid accused was formally arrested. On interrogation,

he suffered disclosure statement to the effect that the recovered contraband had been supplied to him by the present petitioner and both of them were involved in the business of sale of the same. Petitioner was nominated as an accused. He was arrested on 11.03.2025. He too suffered disclosure statement and got effected recovery of 15 grams of the same contraband, which was taken into custody. Investigation now stands concluded and the petitioner along with co-accused is facing trial for commission of the aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since long. A false recovery has been planted upon him. He has been nominated on the basis of disclosure statement of the co-accused, which cannot be considered to be admissible in evidence. He is on bail in such cases as registered against him. His involvement in other cases cannot be considered to be a ground for denying benefit of bail to him. His further detention would not serve any useful purpose. Rigors of Section 37 of the NDPS Act are not attracted qua him. It is, therefore, argued that he deserves to be extended the benefit of bail.

4. Per contra, learned State counsel while relying upon the contents of the status report has vehemently argued that there are serious allegations against the petitioner. He is a habitual offender and there are chances of his committing similar offences or absconding, if extended benefit of bail. It is, therefore, stressed that the petitioner does not deserve to be extended the benefit of bail.

5. This Court has heard the rival submissions made by learned

counsel for the parties.

6. So far as the question of maintainability of the petition being second petition for bail is concerned, it may be mentioned that an accused has a right to make successive applications for grant of bail, and it is the duty of the Court, while entertaining such a subsequent bail application, to consider the reasons and grounds on which the earlier bail petition was rejected. The fresh grounds which persuade the Court to take a view different from the one taken in the earlier application are also required to be recorded. Reference in this regard can be made to ***Prasad Shrikant Purohit v. State of Maharashtra (2018) 11 SCC 458***, wherein it was so observed. The previous petition as filed by the petitioner was dismissed as withdrawn. Each day spent by the petitioner in custody furnishes a new cause of action for seeking bail.

7. The petitioner is in custody since 11.03.2025 i.e. for a period of 10 months and 10 days. He is not required for further investigation. The trial will take considerable time to conclude since not even a single witness has been examined so far. The continued detention of the petitioner is not likely to serve any fruitful purpose and there is nothing on record to show that if released on bail, the petitioner will not participate in the trial or will abscond. In view of the above discussion, this Court is of the considered opinion that a case is made out for grant of bail to the petitioner. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing personal as well as surety bonds to the extent of two sureties in the like amount each, to the satisfaction of the learned trial Court, and subject to the condition that he shall not directly or

indirectly make any inducement, threat or promise to any person acquainted with the facts of the case. He shall appear before the learned trial Court on each and every date of hearing except when his presence has been exempted by the trial Court. He shall surrender his passport, if any, furnish details of his cell phone and Aadhar card, and shall not change his mobile number(s) during the pendency of the trial.

8. It is clarified that the observations made above shall not be construed as an expression of opinion of this Court on the merits of the case and shall not influence the outcome of the trial in any manner.

9. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

23.01.2026

harjeet

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No