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

CRM-M-55698-2025 (O&M)

Mohit Bansal

...Petitioner

Versus

State of Punjab

...Respondent

| Sr. No. | Particulars | Details |
|---------|--|----------------|
| 1 | The date when the judgment is reserved | 19.03.2026 |
| 2 | The date when the judgment is pronounced | 27.03.2026 |
| 3 | The date when the judgment is uploaded on the website | 27.03.2026 |
| 4 | Whether only operative part of the judgment is pronounced or full judgment is pronounced | Full |
| 5 | The delay, if any, of the pronouncement of full judgment, and reasons thereof | Not applicable |

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Arshpreet Khadial, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J.

1. The instant one is the second petition that has been filed by the petitioner under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*) for grant of anticipatory bail to him in case bearing FIR No. 0054 dated 27.03.2025, registered under Section 318(4) of Bharatiya Nyaya Sanhita, 2023 and Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Sadar Bathinda. His previous petition was dismissed by this Court on 26.05.2025.

2. Briefly stated, on 27.03.2025, the police received an information

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that an unauthorized de-addiction centre was being run at village Buladewala and that narcotic substances could be recovered upon a raid. Acting on the said information, a police party led by Inspector Jagdeep Singh raided a de-additoin centre in village Buladhewala, where co-accused Karaj Singh was found in charge but failed to produce any valid licence. During inspection, 38 patients were found admitted there and a search led to the recovery of 50 tablets of Lorazepam and 980 loose tablets. During interrogation, co-accused Karaj Singh disclosed that the premises belonged to the present petitioner, on the basis of which, he was nominated as an accused. Apprehending arrest, the petitioner sought anticipatory bail before the learned Additional Sessions Judge, Bathinda, which was dismissed vide order dated 07.04.2025. Then he approached this Court by way of filing a petition bearing **CRM-M-20669-2025** but the same was dismissed on 26.05.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The present petition has been filed on the ground that now FSL report has been received as per which, only 50 tablets containing Lorazepam fell within the purview of NDPS Act and rest 980 loose tablets were found containing Paracetamol, Ibuprofen, Cetrizine, Norfloxacin, Loperamaide and Metronidazole, which do not fall within the ambit of NDPS Act at all. The recovered Lorazepam tablets do not fall under commercial quantity. These facts amount to substantial change in circumstances, which entitle the petitioner to seek concession of anticipatory bail. Moreso, he was not the owner of the said de-addiction centre. No recovery has been effected from him. He was not even found present at the spot. He has clean antecedents. He is ready to join the investigation. No useful purpose would be served by

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detaining him in custody. Therefore, it is urged that the petition deserves to be allowed. With regard to question of maintainability of the second petition for grant of anticipatory bail, it is submitted by him that the same is very much maintainable as the change in circumstances justifies the filing of successive anticipatory bail applications by an accused. To fortify his argument, he has relied upon the judgments rendered by this Court in ***Rifakat vs. State of Haryana, CRM-M-30576-2023***, decided on 03.07.2023 and ***Bhisham Singh vs. State of Haryana, CRM-M-13315-2024***, decided on 09.04.2024

4. *Per contra*, learned State counsel has argued that the previous petition of the petitioner had been dismissed by this Court by passing a detailed order. There is no new or substantial change in the circumstances. The gravity of the allegations as levelled against the petitioner does not justify that he should be extended benefit of anticipatory bail. Hence, it is urged that the petition does not deserve to be allowed.

5. This Court has heard the rival submissions.

6. At the outset, with regard to the maintainability of the present second petition for anticipatory bail, it is well settled law that a successive petition under Section 482 of the BNSS is maintainable, provided there is a substantial change in circumstances after dismissal of the earlier petition. The bar is not absolute. Rather, the Court is required to examine whether fresh grounds, which materially impact the merits of the case, have arisen subsequently. In the present case, the earlier petition filed by the petitioner was dismissed on 26.05.2025. However, thereafter, the FSL report has been received, which materially alters the factual matrix. As per the report, out of



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the total recovery, only 50 tablets containing Lorazepam fall within the purview of the NDPS Act, whereas the remaining 980 tablets have been found to be containing non-psychotropic substances, namely Paracetamol, Ibuprofen, Cetirizine, Norfloxacin, Loperamide and Metronidazole. This development, in the considered opinion of this Court, constitutes a significant and substantive change in circumstances, thus rendering the present petition maintainable.

7. Coming to the merits of the case, it is not disputed that the petitioner was not present at the spot at the time of the alleged raid. The very basis of implication of the petitioner in this case was recovery of aforesaid tablets, which were believed to be having psychotropic substances. However, as per the FSL report, out of the total recovered tablets, 980 loose tablets were not found to be containing any psychotropic substance. So far as recovery of 50 tablets of Lorazepam is concerned, the quantity of the same does not fall under commercial quantity at all, thereby diluting the rigours of Section 37 of the NDPS Act. The petitioner is stated to have clean antecedents and has expressed his willingness to join the investigation. In view of the aforesaid facts and circumstances, particularly the subsequent FSL report constituting a material change in circumstances, the absence of recovery from the petitioner and the fact that the recovered contraband is below commercial quantity, this Court is of the considered opinion that the petitioner has made out a case for grant of anticipatory bail. Consequently, the present petition is allowed. The petitioner is directed to join the investigation within a period of ten days from today by appearing before the Investigating Officer or as and when called upon to do so and in the event of arrest, he shall be released on anticipatory bail



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subject to furnishing adequate personal/surety bonds to the satisfaction of the Arresting/Investigating Officer and subject to the conditions as envisaged under Section 482(2) of the BNSS.

8. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

27.03.2026

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No