

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 22718 of 2014 (O&M)

Date of decision : 19.12.2015

...

Parveen Kumar

.....Petitioner

vs.

State of Punjab

.....Respondent

**Coram: Hon'ble Mr. Justice Surya Kant  
Hon'ble Mr. Justice P.B. Bajanthri**

Present: Mr. Vivek Goel, Advocate for the petitioner.

Ms. Reeta Kohli, Additional Advocate General, Punjab  
with Mr. Vabhav Sharma, DAG, Punjab.

...

1. *Whether Reporters of local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

**P.B. Bajanthri, J.**

Petitioner – Parveen Kumar seeks regular bail in the case  
FIR No. 129 dated 19.9.2013, under Sections 21/22/25/27A/29/61/85  
of the Narcotics Drugs and Psychotropic Substances Act, 1985  
(hereinafter, for short “NDPS Act”) and Sections 420, 467, 468, 471,  
120-B IPC, registered at Police Station Division No. 6, Ludhiana,  
District Ludhiana.

(2) As per the allegations contained in the FIR, one ASI Kashmir Singh headed the police party, which was patrolling near Cheema Chowk, Ludhiana. They received a secret information that Nitin Goyal s/o Pawan Goyal and Pawan Goyal s/o Ruldu Ram, who were already involved in drug-trafficking, have opened Pharmaceutical Companies known as (i) H.L. Medicines; (ii) Shri Krishna Agencies and (iii) Atlas Pharmaceuticals alongwith their other partners in Ludhiana. Another person, namely, Deepak Soni has also joined hands with them and has set up a Pharmaceutical establishment known as B.G. Pharma at Pindi Estate, Ludhiana and all of them in connivance with each other are dealing in intoxicant medicines like tablets, capsules, syrups, injections and other intoxicant powders without bills, fake bills and by preparing forged documents and are involved in supplying huge quantities to various godowns and supply from there to Pindi Street, Ludhiana and other areas of Punjab to their customers without bills or fake bills with the help of transporters.

(3) Pursuant to secret information, FIR was registered and raids were conducted, whereupon 8,65,000 intoxicant capsules, 1,34,50,000 intoxicant tablets, 12000 intoxicant injections and 1400 intoxicant small bottles of syrup were recovered.

(4) The petitioner is running M/s Goyal Sales Corporation and he is stated to be 'wholesale chemist'. In support of the same, he has furnished license issued by the competent authority dated 9.3.2013 which is valid from 5.2.2012 to 4.2.2017. Petitioner's

counsel contended that unnecessarily petitioner has been implicated in this case. The investigation has already been completed and challan has also been presented in Court but the completion of trial will take time, therefore, no useful purpose would be served by keeping the petitioner behind the bars. The petitioner had approached the Special Court, Ludhiana seeking for regular bail. The same was rejected on 17.12.2013 by the Special Court, Ludhiana. It was also contended that petitioner is neither a proclaimed offender nor a previous convict, therefore, he is entitled to regular bail.

(5) Per contra, learned State counsel contended that petitioner is the proprietor of M/s Goyal Sales Corporation, Shop No. 31, National Plaza, Pindi Street, Ludhiana. On 3.10.2013 his shop was raided and recovery of intoxicant drugs, namely, Capsules Parvon Spas 40072, Hyphodec 10, Capsules 2400, Piorex Cough Syrup 280 was effected. The petitioner could not give any document or proof of the lawful receipt of these intoxicant medicines. Therefore, he has violated the provisions of the NDPS Act. Recovery effected from the petitioner is a 'commercial quantity'. The petitioner is involved in one more case namely, FIR No. 150 of 2010 under Section 22/61/85 of the NDPS Act, Police Station City Jagraon, hence he is not entitled for bail.

(6) Heard learned counsel for the parties.

(7) In view of the abovesaid factual aspects and position, the petitioner has miserably failed to satisfy the ingredients of Section 37 (1) (b) (ii) of the NDPS Act, hence the bail application is liable to

be rejected.

(8) Accordingly, the petition stands dismissed.

(9) The Special Court shall make an endeavour to conclude the trial within six months.

( **Surya Kant** ) ( **P.B. Bajanthri** )  
**Judge** **Judge**

**December 19<sup>th</sup>, 2015.**  
chugh