

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 31408 of 2014 (O&M)

Date of decision : 19.12.2015

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Sukhraj Singh @ Raj

.....Petitioner

vs.

State of Punjab

.....Respondent

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

Present: Mr. N.K. Manchanda, Advocate for the petitioner.

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

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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 – Sukhraj Singh @ Raj 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 are involved in supplying huge quantities to various godowns 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) Petitioner – Sukhraj Singh @ Raj is stated to be in custody for the last one year. He is proprietor of M/s Shri Krishna Agencies, Ludhiana. The petitioner had approached Special Court, Ludhiana seeking regular bail. The same was dismissed on 29.4.2014.

In support of his enlargement of bail it was contended that he is neither a proclaimed offender nor a previous convict and he is in custody for more than one year and nothing has been recovered from him.

(5) Per contra, learned State counsel contended that petitioner is owner of M/s Krishna Agencies, Shop No. 42, National Plaza, Pindi Street, Ludhiana. Huge quantity of intoxicant drugs were dispatched for the said firm. Pursuant to the search warrants raid was conducted on 3.10.2013 at the shop of the petitioner and recovery of intoxicant drugs namely, Porex Cough Syrup – 2100 Nips; Microlit Tablets 1,25,000; Phinotil Tablets 1,73,000; Pyricon Spas Capsules – 10,000; Spasmo Proxyvon Capsules 5736; Spasma Petron Capsules 7992; Hyripam 1800; Promodext Capsules 8,00,000; Parvon Capsules 7200, was made. The said recovery of intoxicant drugs falls under the 'commercial quantity'. Moreover, the petitioner was involved in one more NDPS case, namely, FIR No. 210 dated 29.12.2009 under Section 22/61/85 of NDPS Act, Police Station Moga City. The said case was tried by the Special Court, Moga in Sessions Case No. 182 dated 4.8.2010 decided on 31.7.2014, in which prosecution failed to establish charge against him and the petitioner among others was acquitted of charges after extending benefit of doubt. Therefore, the petitioner is not entitled to regular 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 19th, 2015.
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