

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

**CRM-M-27388-2018  
Date of decision: 27.09.2018**

**Adish Jain**

**...Petitioner**

**Versus**

**State of Punjab**

**...Respondent**

**CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. S. K. Passi, Advocate  
for the petitioner.

Mr. M. S. Nagra, AAG, Punjab.

**ARVIND SINGH SANGWAN, J. (Oral)**

The petitioner prays for grant of anticipatory bail in FIR No. 58 dated 09.06.2018, registered under Section 22 of the NDPS Act (Section 29 of the NDPS Act added later on) at Police Station Mehna, District Moga.

The operative part of the order dated 09.07.2018, vide which the petitioner has been granted interim bail, is reproduced below:

“Learned counsel for the petitioner submits that recovery of intoxicant tablets containing Tramadol Salt was made from the Vicky son of Surinder Pal and the petitioner is neither named in the FIR, nor any disclosure statement of Vicky son of Surinder Pal was recorded immediately after his arrest. It is further submitted that the petitioner is sought to be involved in the present FIR on the basis of zimni recorded by police that the co-accused Vicky has obtained the tablet from the petitioner. Learned counsel further submitted that even on earlier occasion he was involved in FIR No.125 dated 10.09.2016, registered under Section 22 of the Narcotic Drugs and Psychotropic

Substances Act, 1985 at Police Station Kot Isah Khan, District Moga and the petitioner was granted regular bail vide order dated 31.01.2017 passed in CRM-M-45201 of 2016 noticing the fact that the recovery in the said case was also made on the basis of the secret information and the recovery was made against a valid bill by purchasing the same from the chemist shop of the petitioner. Learned counsel for the petitioner has also submitted that the petitioner is also involved in FIR No.96 dated 06.05.2015 under Section 32 of the NDPS Act, registered at Police Station Zira and in that FIR, the petitioner has filed CRM-M-5008 of 2016 praying for quashing of the aforesaid FIR and on 11.02.2016, the following order was passed by this Court:-

“Learned counsel for the petitioner contends that father of the petitioner possessed the retail sale drugs licence. While making reference of document (Annexure P-5), he further submits that a retail sale drugs licence holder can keep the tablet Becalm (Salt Alprazolam 0.5) and is required to maintain the record of sale and purchase of this medicine. As regards the tablet Fortadol-DM (Salt Tramadol+Domperidone) is concerned, it is general pain killer and antiemetic and, therefore, does not fall within the purview of the Narcotic Drugs and Psychotropic Substances Act, 1985. Notice of motion for 21.4.2016. In the meanwhile, proceedings before the trial Court shall remain stayed.”

It is further submitted that this petition is still pending and the proceedings have been stayed. It is also submitted that since the petitioner was repeatedly involved in the cases, he has shifted his business from Zira(Punjab) to Ambala in Haryana and as per the allegation in the present FIR,

the recovery which has been effected from the co-accused Vicky is allegedly given by the petitioner without noticing the fact that the petitioner is now doing his business in Ambala. List on 27.09.2018.”

Learned counsel for the petitioner submits that petitioner, in pursuance to the order dated 09.07.2018, has already appeared before the SHO/Investigating Officer and has joined the investigation.

Learned counsel for the State, on instructions from ASI Manjinder Singh, has not disputed the factual position and submits that petitioner has joined the investigation and is no more required for any further investigation.

In view of the above, the petition is allowed and the interim bail granted to petitioner, vide order dated 09.07.2018, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

**September 27, 2018**

*Waseem Ansari*

**(ARVIND SINGH SANGWAN)  
JUDGE**

*Whether speaking/reasoned*

*Yes/No*

*Whether reportable*

*Yes/No*