

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-5718-2018 (O&M)
Date of decision: 19.02.2018

Prem Kumar Malik @ Prem Singh Malik

... Petitioner

Vs.

Intelligence Officer, Narcotic Control Bureau, Amritsar

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. A.P.S. Deol, Sr. Advocate with
Mr. Kartar Singh, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail to the petitioner in complaint case No.NCB Crime No.29/2016 of 19.07.2016 under Sections 8, 22, 25, 29 & 60 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Intelligence Officer, Narcotics Control Bureau, Amritsar.

Learned senior counsel for the petitioner submits that first bail application filed by the petitioner was dismissed on 16.02.2017. Thereafter, the petitioner filed second anticipatory bail application, which was again dismissed vide order dated 24.05.2017. The order is reproduced as under: -

“The present is the second petition filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in complaint No.NCB Crime No.29/2016, dated 19.07.2016, pending before the Special Judge, Amritsar.

The first petition being CRM-M No.5116 of 2017-Prem Singh Malik Vs. Intelligence Officer, Narcotics Control Bureau, Amritsar, had come up for hearing before me on February 16, 2017, on which date, learned counsel for the petitioner after arguing the matter at length and having received no favourable response from the Court, sought to withdraw the afore-referred petition, which was permitted.

It is fairly admitted by learned counsel for the petitioner that after February 16, 2017, till date, there is no change in circumstance.

Even otherwise, the allegations against the petitioner are grave. It is the case of the prosecution that on 19.07.2016, on receipt of specific information, two persons, namely, Charanjit Chopra @ Sweetie and Kuldeep Singh alias Mintu, who were travelling in a car from Jalandhar to Amritsar were intercepted. On search of their car, a cardboard box containing 75 boxes of Buprenorphine injections LP Gesic and two boxes containing Buprenorphine injections Cupigesic were found. As a result of their interrogation, co-accused-Israr Hussain was arrested from whose possession, 5000 Buprenorphine injections were recovered. Further investigations revealed that the petitioner, who is the owner of two firms i.e. Fizak Healthcare and Rayan Laboratories Limited, was involved in illicit trafficking of Buprenorphine injections as these injections were being packed in his afore-mentioned laboratories.

A perusal of the record further shows that the petitioner on appearance before the Narcotics Control Bureau has confessed to have taken part in the illicit trafficking of Buprenorphine injections.

Learned counsel for the petitioner has submitted that the petitioner is not involved in the case as he was only manufacturing packaging material which was used by the co-accused for trafficking drugs and that the raids conducted on the laboratories of the petitioner had not yielded any recovery of Buprenorphine injections.

The case of the prosecution reveals large scale trafficking of Buprenorphine injections. The petitioner owns healthcare facilities/laboratories wherein the injections are allegedly being packed for supply.

Whether the petitioner was packaging narcotics for other drug dealers and to whom all supplies of packaged drugs were being made by him needs to be thoroughly probed.

In view of the above as also for the reason that there are no fresh grounds after the first bail petition of the petitioner had been dismissed as withdrawn, in my opinion the petitioner does not deserve the grant of anticipatory bail.

Dismissed.”

Still further, instead of surrendering before the Court, the petitioner is avoiding his arrest and has filed this 3rd anticipatory bail application. The ground taken in this petition is that as per the letter dated 26.12.1990, the

substance Buprenorphine does not fall under the definition of psychotropic substance, however, it is misleading on the part of the petitioner, as after amendment in the NDPS Act and Rules thereto, this substance was included in the Act.

It is apparent that the petitioner, instead of surrendering before the Court/Police Bureau, is filing anticipatory bail petitions and this is the 3rd attempt made by the petitioner, despite the fact that a period of more one and half years has passed since registration of the FIR. No ground for grant of anticipatory bail to the petitioner is made out.

Dismissed.

[ARVIND SINGH SANGWAN]
JUDGE

19.02.2018
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No