

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

Date of decision: 10.11.2021

1. CRM-M-5863-2021

Bittu Ram

Petitioner

Versus

State of Punjab

Respondent

2. CRM-M-23088-2020

Aman Singla

Petitioner

Versus

State of Punjab

Respondent

3. CRM-M-28998-2020

Krishan Kumar Arora and another

Petitioners

Versus

Central Bureau of Investigation and others

Respondents

4. CRM-M-30505-2020 (O&M)

Zulfi Ali @ Zulfi

Petitioner

Versus

State of Punjab

Respondent

5. CRM-M-32484-2020

Raminderjeet Singh

Petitioner

Versus

State of Punjab

Respondent

**CRM-M-5863-2021 &
connected petitions**

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6. CRM-M-31906-2020 (O&M)

Krishan Kumar Arora

Petitioner

Versus

State of Punjab

Respondent

7. CRM-M-38560-2020

Krishan Kumar Arora

Petitioner

Versus

Central Bureau of Investigation and others

Respondents

8. CRM-M-38579-2020 (O&M)

Krishan Kumar Arora

Petitioner

Versus

State of Punjab

Respondent

9. CRM-M-38844-2020

Manpreet Singh

Petitioner

Versus

State of Punjab

Respondent

10. CRM-M-6350-2021

Narinder Khanna @ Bunty

Petitioner

Versus

State of Punjab

Respondent

**CRM-M-5863-2021 &
connected petitions**

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11. CRM-M-29957-2021

Gaurav Arora

Petitioner

Versus

State of Punjab

Respondent

12. CRM-M-22170-2021

Gaurav Aggarwal

Petitioner

Versus

State of Punjab

Respondent

13. CRM-M-24747-2021

Rajesh Kumar

Petitioner

Versus

State of Punjab

Respondent

14. CRM-M-24850-2021

Amit Kumar @ Rajan

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Shakti Mehta, Advocate,
Mr. P.S. Dhaliwal, Advocate,
Mr. Gautam Dutt, Advocate,
Mr. Sandeep, Advocate
Mr. Deepak Gupta, Advocate
Mr. Gurinder Singh Lali, Advocate
Mr. Jashandeep Singh Sandhu, Advocate
Mr. Sonpreet Singh Brar, Advocate
Mr. N.S. Sodhi and
Mr. Amit, Advocate for the petitioners.

Mr. Gaurav Garg Dhuriwala,
Senior Deputy Advocate General, Punjab.

Mr. Sumeet Goel, Senior Advocate with
Mr. A.K. Ranolia, Advocate,
Mr. Sangram Singh, Advocate and
Ms. Meghna Malik, Advocate for
Ms. Shubhra Singh, Advocate for the respondent-CBI.

AVNEESH JHINGAN, J (Oral).

Due to COVID-19 situation, the Court is convened through video conference.

The facts relating to FIR No. 72 dated 23.5.2020, under Sections 21, 22, 25 and 29 of the Narcotic Drugs & Psychotropic Substances Act, 1985 (for short, 'the Act') and Sections 468, 471 and 120-B IPC (added lateron) registered at Police Station Mehal Kalan, District Barnala are that the police party received a secret information on 23.5.2020 that Lovepreet Singh @ Lavi, Ravinder Singh @ Bhinda, Satveer Singh @ Satti, Balwinder Singh @ Nikka and Raminderjeet Singh @ Ravi had formed a gang and were indulging in sale and purchase of narcotics. They were sitting in car bearing registration No. PB11-AY-1700. Acting upon the information, car was checked, Lovepreet Singh @ Lavi, Ravinder Singh @ Bhinda, Satveer Singh @ Satti and Balwinder Singh @ Nikka were apprehended and 2500 tablets of Tramadol with brand name of Clovidol 100 SR manufactured by NUTEC Healthcare Pvt. Ltd. (for short, 'the company') were recovered. During investigation, it revealed that one of the Director of the Company is Gaurav Arora. On the basis of disclosure statement of

Balwinder Singh @ Nikka, 250000 tablets of Clovidol 100 SR manufactured by the company and Rs.4,00,000/- drug money was recovered. Balwinder Singh @ Nikka named Zulfkar Ali, he was nominated and on his statement, 12000 tablets of Clovidol SR manufactured by the company were recovered on 29.05.2020. Zulfkar Ali further named Bittu Ram, Aman Singla, Manpreet Singh @ Money, Firozdin and Kishnish Garg of P.M. Medical Hall Tapa (found innocent by police). On 2.6.2020, Bittu Ram and Aman Singla were apprehended while travelling in car bearing registration No. PB-19R-8910, recovery of 10500 tablets of Clovidol SR manufactured by the company was effected. On 3.6.2020, Manpreet Singh @ Money was arrested travelling in Maruti Swift car bearing registration No.PB-25F-9052 which was registered in the name of his brother Amanpreet Singh. 5000 tablets of Clovidol SR manufactured by the company were recovered.

On further investigation from Zulfkar Ali regarding source of the tablets recovered, he named Harish Bhatia who was nominated on 22.6.2020. Harish Bhatia was arrested on 11.7.2020 from West Bengal and on his disclosure statement, on 15.7.2020 recovery of 97600 tablets of Clovidol SR manufactured by the company was made from an office of a Transport Company at Pilibhit. Harish Bhatia disclosed that he had taken a room on rent in Amritsar along with Sachin Sharma, based at Haryana and one Narinder Khanna of Amritsar, both the persons were nominated. On 20.7.2020 from the room taken on rent by Harish Bhatia and others, 20000 tablets of

Clovidol SR manufactured by the company and Rs.85,000/- drug money were recovered.

Harish Bhatia named Rajesh, owner of SBC Transporter, Amritsar as also Amit Kumar @ Rajan, Mayank Singh Rathaur and Jitender Kumar @ Vicky, both based at Agra.

On 18.07.2020, Narinder Khanna and Sachin Sharma were arrested. From Sachin Sharma, 100000 tablets of Clovidol SR manufactured by the company and Rs.4,50,000/- drug money were recovered. From Narinder Khanna, 640600 tablets of Clovidol SR manufactured by the company and 1,60,000 tablets (120000 tablets of Parvon Spas manufactured by Redley Pharma Private Limited and 40000 tablets of Parvon Spas manufactured by the company) were recovered.

Rajesh was arrested on the intervening night of 18/19.07.2020, at his instance on 20.07.2020, recovery of 50000 tablets of Clovidol SR was effected. During interrogation, he named Deepak Arora who was arrested and on his disclosure, 75000 tablets of Clovidol SR manufactured by the company were recovered. Rajesh named Varinder Kumar who was arrested on 19.07.2020, recovery of 3200 tablets of Alprazolam manufactured by the company was effected from him. He was working as a driver with co-accused Amit Kumar @ Rajan.

Jatinder Kumar who was named by Harish Bhatia was arrested on 25.07.2020. Recovery of 120454 capsules and tablets

manufactured by Redley Pharma Private Limited was made on 28.07.2020. On 5.8.2020, at his instance 12000 loose tablets of Clovidol-SR manufactured by the company were recovered.

Dhirender Singh Rathaur was named by co-accused Jatinder Kumar. He was already in custody in FIR No. 344, dated 13.07.2020 and produced on production warrants. No recovery was effected from him.

Krishan Kumar Arora and Gaurav Arora were arrayed as accused on 26.07.2020, on basis of interrogation of Harish Bhatia and Jatinder Kumar. Both were arrested on 27.08.2020 from Delhi.

On disclosure statement of Gaurav Arora on 02.09.2020, recovery of two crores and eighty four lakhs tablets was made from the manufacturing unit as well as Warehouse. Fifteen kilograms of broken tablets of Clovidol-SR were also recovered from Godown. The detail of recovered tablets and capsules is as under:-

Sr. No.	Tablet	Quantity	Salt
1)	CLOVIDOL 100-SR	6614500	TRAMADOL HYDROCHLORIDE
2)	ALKO 1	2213500	ALPRAZOLAM
3)	TRIO SR	1118000	TRAMADOL HYDROCHLORIDE
4)	ALPRAZOLAM 0.5	3090000	ALPRAZOLAM
5)	TARMONIL EXTRA	938200	TRAMADOL HYDROCHLORIDE ACETAMINOPHEN

6)	PROZOLAM 0.5	2591200	TRAMADOL HYDROCHLORIDE ACETAMINOPHEN DICYCLOMINE HYDROCHLORIDE
7)	ULTIMACET	540300	TRAMADOL HYDROCHLORIDE ACETAMINOPHEN
8)	TREDOL 100SR	168000	TRAMADOL HYDROCHLORIDE
9)	BROODOL	817250	TRAMADOL HYDROCHLORIDE ACETAMINOPHEN
10)	ACLO-SP	16000	ALPRAZOLAM ACETAMINOPHEN
11)	OPEN TABLET	15 KG 70 GM	TRAMADOL HYDROCHLORIDE ALPRAZOLAM

Sr. No.	Capsule	Quantity	Salt
1)	SIMPLEX +	2105520	TRAMADOL HYDROCHLORIDE ACETAMINOPHEN DICYCLOMINE HYDROCHLORIDE
2)	SIMPLEX C+	3622752	TRAMADOL HYDROCHLORIDE DICYCLOMINE HYDROCHLORIDE CHLORPHENIRAMINE MALEAT
3)	SINPHLEX +	258192	TRAMADOL HYDROCHLORIDE ACETAMINOPHEN DICYCLOMINE HYDROCHLORIDE
4)	FORIDOL	519900	TRAMADOL HYDROCHLORIDE
5)	PERVORIN SPAS	2240600	TRAMADOL HYDROCHLORIDE DICYCLOMINE HYDROCHLORIDE

		CHLORPHENIRAMINE
		MALEAT
		DICLOFENAC SODIUM
6)	PEEWON SPAS 199000	TRAMADOL
		HYDROCHLORIDE
		DICYCLOMINE
		HYDROCHLORIDE
		CHLORPHENIRAMINE
		MALEAT

On disclosure statement of Jatinder Kumar, Gaurav Aggarwal was nominated on 26.7.2020. He was arrested on production warrants on 27.7.2020. No recovery was effected from him.

On disclosure statement of Harish Bhatia, Amit Kumar @ Rajan was nominated on 14.7.2020 and arrested on 19.7.2020. Recovery of 142000 tablets of Parvon Spas, 200000 tablets of Clovidol-SR and 175700 tablets of Alparazolam manufactured by the company was effected. He was not having a licence to possess the recovered tablets.

Heard learned counsel for the parties and perused the pleadings.

CRM-M-5863-2021

This petition under Section 439 Cr.P.C. is filed seeking regular bail in aforesaid FIR.

Mr. Shakti Mehta, learned counsel for the petitioner after arguing at some length and sensing the outcome seeks permission to withdraw the petition with liberty to approach Sessions Court concerned to show change in circumstances after rejection of earlier

bail application.

Dismissed as withdrawn with liberty as prayed for.

CRM-M-23088-2020

This petition under Section 439 Cr.P.C. is filed seeking regular bail in the aforesaid FIR.

Mr. Jashandeep Singh Sandhu, learned counsel for the petitioner submits that as per case set up, Aman Singla (petitioner in this petition) was apprehended while travelling in car bearing registration No. PB-19R-8910 and there was recovery of 10500 tablets of Clovidol SR. As per the allegations, car belongs to Bittu Ram. Bittu Ram was driving the car and contraband was found lying in the car. Petitioner is not involved in any other case. He was neither named in the FIR nor in secret information.

He submits that that petitioner has been falsely implicated. There is CCTV footage showing that Bittu Ram was picked from his house by the police party and nothing was recovered from him.

Learned State counsel opposes the prayer for grant of bail and submits that heavy recovery was effected from him. He relies upon Section 37 of the Act.

At this stage, learned counsel for the petitioner sensing the outcome seeks permission to withdraw the present petition with liberty to revive the prayer at a later stage.

Dismissed as withdrawn with liberty as prayed for.

CRM-M-28998-2020

This petition is filed for quashing of arrest and remand orders of the petitioners-Krishan Kumar Arora and Gaurav Arora.

Mr. Gautam Dutt, learned counsel for the petitioners seeks permission to withdraw the present petition with liberty to avail remedies in accordance with law.

Dismissed as withdrawn with liberty as prayed for.

CRM-M-30505 of 2020

This petition under Section 439 Cr.P.C. is filed seeking regular bail in the aforementioned FIR.

Mr. Sandeep, learned counsel for the petitioner after arguing on basis of the licence in favour of the petitioner and realising that there is an office order relied upon by the State in the reply dealing with Tramadol tablet in the State of Punjab, seeks permission to withdraw the present petition at this stage.

Dismissed as withdrawn at this stage.

CRM-M-32484 of 2020

This petition under Section 438 Cr.P.C. is filed seeking anticipatory bail in the aforesaid FIR.

Mr. Deepak Gupta, learned counsel for the petitioner, after arguing at some length and realizing that contention are not finding favour with the Court, to avoid the adverse order does not press the present petition. However, a request is made that the petitioner would surrender within three weeks from today and apply for regular bail, his

application be taken up expeditiously.

The petition is disposed of.

In case the petitioner surrenders within three weeks from today and applies for regular bail, the court concerned shall take up the bail application within three days and decide it expeditiously.

CRM-M-31906-2020

This petition under Section 439 Cr.P.C. is filed seeking regular bail in the aforesaid FIR.

Mr. Gautam Dutt, learned counsel for the petitioner seeks permission to withdraw the present petition with liberty to approach the Court concerned with the prayer of regular bail.

Dismissed as withdrawn with liberty as prayed for.

CRM-M-38560-2020

This petition is filed seeking quashing of order allowing issuance of production warrants, order allowing arrest and order allowing remand of the petitioner.

Mr. Gautam Dutt, learned counsel for the petitioner after arguing at some length seeks permission to withdraw the present petitions with liberty to avail remedies in accordance with law.

Dismissed as withdrawn with liberty as prayed for.

CRM-M-38579-2020

This petition under Section 439 Cr.P.C. is filed seeking interim bail on the ground of illness of wife of the petitioner (Krishan Kumar Arora).

Mr. Gautam Dutt, learned counsel for the petitioner after arguing at some length seeks permission to withdraw the present petition with liberty to approach the Court concerned with the prayer of regular bail.

Dismissed as withdrawn with liberty as prayed for.

CRM-M-38844 of 2020

This petition under Section 439 Cr.P.C. is filed seeking regular bail in the aforesaid FIR.

Mr. Gurinder Singh Lali, learned counsel for the petitioner after arguing at some length seeks permission to withdraw the present petition with liberty to approach Sessions Court to show change in circumstances by the lapse of time after rejection of the earlier petition.

Dismissed as withdrawn with liberty as prayed for.

CRM-M-6350 of 2021

This petition under Section 439 Cr.P.C. is filed seeking regular bail in the aforesaid FIR.

Mr. Jashandeep Singh Sandu, learned counsel for the petitioner after arguing at some length and sensing the outcome seeks permission to withdraw the present petition, however, seeks liberty to approach the Sessions Court concerned for applying interim bail on the basis of medical ground.

Dismissed as withdrawn with liberty as prayed.

Since the main petition stands disposed of, the prayer made in the accompanying application has become infructuous.

The application is disposed of as infructuous.

CRM-M-29957-2021

This petition under Section 439 Cr.P.C. is filed seeking regular bail in the aforesaid FIR.

Mr. Sonpreet Singh Brar, learned counsel for the petitioner submits that petitioner is a registered dealer under GST. He is having licence for manufacturing drugs and also a licensee for storing the manufactured drugs. He further submits that the sale and purchase of the recovered tablets is duly accounted for.

Learned State counsel submits that apart from the recovery made from premises of the company, the other tablets recovered from co-accused were manufactured by the Company. Further submission is that there is other material to show *modus operandi* adopted by the petitioner and the company.

Learned counsel for the petitioner sensing the outcome of the petition seeks permission to withdraw the present petition with liberty to revive the prayer at a later stage.

Dismissed as withdrawn with liberty as prayed for.

CRM-M-22170 of 2021

This petition under Section 439 Cr.P.C. is filed seeking regular bail in the aforesaid FIR.

Mr. P.S. Dhaliwal, learned counsel for the petitioner submits that the petitioner was not named in the FIR, he was nominated on the basis of interrogation of Jatinder Kumar, he was

produced on production warrants and no recovery was made from him.

Learned counsel for the State opposes the prayer for grant of bail. He submits that the petitioner was a drug peddler and he was involved in three more FIRs.

After hearing learned counsel for the parties at some length and perusing the pleadings, it is forth coming that there was no recovery from the petitioner, he was named by Jatinder Kumar. The evidentiary value of the statement would be subject-matter of trial, the petitioner was behind the bar when named by the co-accused. Investigation is complete and challan stands presented, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

CRM-M-24747 of 2021

This petition under Section 439 Cr.P.C. is filed seeking regular bail in the aforesaid FIR.

Mr. N.S. Sodhi, learned counsel for the petitioner argues that the petitioner was a transporter and used to receive the parcels and send the same. There was an altercation with the police party, resultantly he has been falsely implicated and 50000 tablets were planted.

Learned counsel for the State opposes the prayer for grant of bail. He was named by the three co-accused and there was heavy recovery from him.

At this stage, learned counsel for the petitioner seeks permission to withdraw the present petition with liberty to revive the prayer at a later stage.

Dismissed as withdrawn with liberty as prayed for.

CRM-M-24850 of 2021

This petition under Section 439 Cr.P.C. is filed seeking regular bail in the aforesaid FIR.

Mr. Amit, Advocate appearing on behalf of Mr. B.S. Bhalla, learned counsel for the petitioner seeks permission to withdraw the present petition with liberty to revive the prayer at a later stage.

Dismissed as withdrawn with liberty as prayed for.

It is clarified that observations made hereinabove in all the petitions shall not be construed as an expression of opinion on the merits of the cases.

Since the petitions are disposed of, the pending applications, if any, stand disposed of.

Photocopy of this order be placed on the files of connected cases.

10th November, 2021

mk/pankaj

**(AVNEESH JHINGAN)
JUDGE**

Whether speaking/reasoned	Yes
Whether reportable	Yes