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

Date of decision: 11.11.2021

1. CRM-M-16499-2021

Dhirender Singh Rathaur

Petitioner

Versus

State of Punjab

Respondent

2. CRM-M-21135-2021

Varinder Kumar

Petitioner

Versus

State of Punjab

Respondent

3. CRM-M-29131-2020 (O&M)

Deepak Arora

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Ms. Manpreet Ghuman, Advocate
Mr. Kanwar Pahul Singh, Advocate and
Mr. Raj Kumar Gupta, Advocate for the petitioners.

Mr. Gaurav Garg Dhuriwala, Sr. DAG, Punjab.

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AVNEESH JHINGAN, J (Oral).

Today physical hearing was held but on request of learned counsel for the petitioner in CRM-M-29131-2020, the matter is taken

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up by way of hybrid hearing.

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

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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

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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.

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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 eightly 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

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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

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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-16499-2021

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

Ms. Manpreet Ghuman, learned counsel for the petitioner submits that petitioner was in custody when he was named by co-accused Jatinder Kumar. She submits that no recovery was made from the petitioner. He was produced on production warrants. Contention is that petitioner has been falsely implicated.

Learned State counsel opposes the prayer for grant of bail. He submits that petitioner is involved in two more cases, one of which is FIR No. 344, dated 13.07.2020 and in that case, huge recovery of 570000 tablets of Alparazolam was effected from the godown.

Involvement of petitioner in other case itself cannot be a ground for declining the bail of the petitioner in the present FIR. It is not disputed that name of the petitioner surfaced in disclosure

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statement and there was no recovery at his instance in this FIR. He is in custody since 14.07.2020 in another FIR. Investigation is complete, challan stands presented and similarly situated co-accused was granted bail by this Court on 10.11.2021.

The petitioner is granted regular bail subject to his furnishing adequate bail bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

The petition is allowed.

CRM-M-21135-2021

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

Learned counsel for the petitioner submits that petitioner was not named in the FIR, his name surfaced in the disclosure statement. It is a case of false implication, recovery was implanted.

Learned State counsel opposes the prayer for grant of bail. He submits that he was part & parcel of the larger net. He was arrested on the basis of disclosure statement but thereafter there was recovery of commercial quantity i.e. 3200 tablets of Alparazolam from him.

There was recovery of 3200 tablets of Alparazolam from the petitioner. There is no reason putforth for his false implication of petitioner by the police. The evidentiary value and veracity of the statement made by co-accused naming the petitioner would be subject matter of the trial. Considering the facts and stringent provisions of Section 37 of the Act, no case is made out for grant of regular bail.

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The petition is dismissed.

CRM-M-29131-2020

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

Learned counsel for the petitioner submits that prayer in the petition was for grant of regular bail during the pendency of FSL report. He submits that there are subsequent developments after filing of the present petition. He seeks permission to withdraw the present petition with liberty to apply for regular bail as well as interim bail on medical grounds, before the Court concerned.

The petition is 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.

(AVNEESH JHINGAN)
JUDGE

11th November, 2021

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Whether speaking/reasoned Yes/No
Whether reportable Yes/No

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