

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-40954-2020 (O&M)
Date of Decision:- 22.2.2021

Vikas Bansal

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Kunal Dawar, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of anticipatory bail in a case registered vide FIR No.289, dated 14.10.2020, Police Station Division No.8, Jalandhar, under Section 22 NDPS Act.
2. The case of prosecution, in nutshell, is that on 14.10.2020 when a police party headed by ASI Kulvinder Singh was present at Rehru

Gate, Jalandhar, in connection with *nakabandi*, then a white coloured swift car in which two persons were sitting was noticed coming from the Pathankot side but upon noticing the police party the driver of the car tried to turn back but was unable to do so and the said two persons were apprehended by the police who disclosed their names as Piyush Arora and Sunny. The vehicle was being driven by Sunny. Since it was suspected that they were carrying some narcotics, ASI Kulwinder Singh sent a request to the police station for sending another Investigating Officer upon which SI Nirmal Singh reached at the spot and introduced himself to the two persons who had been apprehended and extended them an offer in terms of Section 50 of NDPS Act and the said two persons opted in favour of search by a gazetted officer. Sh. Sukhjinder Singh, ACP, North Commissionerate, Jalandhar, was called at the spot and who also extended an offer in terms of Section 50 NDPS Act but both the accused reposed confidence in him and upon which their search was conducted and the search of the car led to recovery of 44 boxes containing 500 tablets each of 'Tramadol Hydrochloride' (22000 tablets). Another 5 boxes containing 600 tablets each of 'Tramadol' (3000 tablets) were also recovered. In addition to the said 'Tramadol', 1600 tablets of 'Alprazolam' and another 400 capsules of 'Tramadol Hydchloride Dicyclomine Hydrochloride and Acetam Capsules Proxyvon' were recovered. Thus, a total of 27000 intoxicating tablets were recovered.

3. It is further the case of prosecution that during the course of interrogation of the aforesaid two accused, they suffered disclosure statements on 16.10.2020 to the effect that they had brought the said tablets from Vikas Bansal. It is alleged that Sunny Kumar led the police party to House No.2847, situated near Gill Chowk, Ludhiana. A Councilor of the area namely Sukhdev Singh and also a cousin of the petitioner namely Rahul were called at the spot. Sh. Dharampal, ACP, CAW, Jalandhar and Sh. Ashwani Kumar, Incharge CIA-2, Jalandhar and other police officers also reached at the spot. Since it was night time, the rooms were sealed and it was on the next day i.e. on 18.10.2020 that search of the premises was conducted leading to recovery of 15 lakhs intoxicant tablets.
4. Learned counsel for the petitioner has vehemently argued that he is a manufacturer and is in fact a Director of M/s Oracle Laboratories Pvt. Ltd. having its office in New Delhi. He was earlier having a licence to sell drugs issued by Government of Punjab in the year 2010 which was valid upto 21.4.2020 and that during the validity of the said licence he applied for granting licence to sell, stock and distribute the drugs in Delhi which was issued to him on 7.2.2019 and is valid upto 6.2.2024. It has further been submitted that on account of spread of pandemic Covid-19, he had to shut down his storage premises in Delhi and has temporarily shifted the drugs to Ludhiana which were in fact stored as per the Drugs Licence and that as such no offence can be said to be made out.

5. On the other hand, learned State counsel has submitted that the licence which had earlier been issued in favour of the accused on which the petitioner is relying had in fact been cancelled on 26.10.2018 (Annexure R-1) and as such his possession of huge quantity of drugs is violation not only under Drugs and Cosmetics Act but is an offence under NDPS Act as well.
6. I have considered rival submissions addressed before this Court.
7. It is not in dispute that a huge recovery of about 15 lakh intoxicant tablets were recovered from the premises of the petitioner in Ludhiana. The petitioner is banking heavily on the fact that he had been issued licences Annexure P-1 and P-2 for sale, stock and distribution of the drugs in question and which were valid from 7.2.2019 to 6.2.2024. However, the Joint Commissioner (Drugs) Food and Drugs Administration, Punjab, vide its order dated 26.10.2018 had cancelled the wholesale licences bearing No.21631-OW (Form 20-B) and No.21421-OW (Form 21-B), issued in favour of the petitioner. Upon the said licences having been cancelled in October 2018, the petitioner thereafter could not have stored large quantity of drugs in his premises in Ludhiana. The contention of the petitioner that he had to suddenly shift the drugs from Delhi to Punjab on account of spread of Pandemic Covid-19 would not justify possession of such huge quantity of drugs in Ludhiana in the absence of a valid licence. In fact upon cancellation of his licence on 26.10.2018, the petitioner was expected to surrender or dispose off immediately the available stock of drugs and not to further purchase,

stock or sell such drugs. Consequently, this Court does not find any special case for grant of anticipatory bail. The petition, as such, is dismissed.

February 22, 2021

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No