

**204 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
CRM-M-45862-2019
Date of Decision: 17th November, 2021**

Munish Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Bipan Ghai, Senior Advocate with
Mr. Vishavjeet Singh Virk, Advocate for the petitioner.

Mr. Amit Mehta, Sr. DAG, Punjab for the respondent-State.

AVNEESH JHINGAN , J.(Oral)

1. This petition under Section 439 Cr.P.C. is filed seeking regular bail in FIR No.100, dated 11.07.2019, under Section 22 of Narcotic Drugs and Psychotropic Substance Act, 1985 (for short 'the Act'), later on Section 29 of the Act was added, registered at Police Station Maur, District Bathinda.

2. On 7th April, 2021, following order was passed:

“Case is being taken up for hearing through VideoConferencing due to Covid-19 pandemic.

Learned counsel for the petitioner(s) contends that the alleged contraband recovered is part of the order placed by M/s BMW Medicos, M/s Tredwell Health Cares, Ludhiana and M/s J.M. Health Care, Zirakpur and that not only does M/s BMW Medicos have the requisite license to purchase the aforementioned drugs from M/s Tredwell Health Cares, Ludhiana and M/s J.M. Health Care, Zirakpur but also that the drugs in question were sold by M/s Tredwell Health Cares, Ludhiana and M/s J.M. Health Care, Zirakpur.

Learned counsel contends that the petitioner is a transporter from whose godown 9,11,400 tablets of tramadol were recovered in sealed cartons and that the same were as had been received from M/s Tredwell Health Cares, Ludhiana and M/s J.M. Health Care, Zirakpur.

Learned counsel contends that the batch numbers of the drugs

dispatched by M/s Tredwell Health Cares, Ludhiana and M/s J.M. Health Care, Zirakpur can be matched with the batch numbers of the drugs seized by the police from the godown of the petitioner in order to verify the genuineness of the claim of the petitioner of being a mere transporter.

Learned State Counsel requests for an adjournment to file an affidavit, indicating the batch numbers of the drugs sold by M/s Tredwell Health Cares, Ludhiana and M/s J.M. Health Care, Zirakpur against order placed by M/s BMW Medicos, as also the batch numbers of the drugs of 9,11,400 tablets of tramadol seized from the godown of the petitioner.

List on 22.04.2021. ”

3. In pursuance to the order of this Court, reply by way of an affidavit of Mr. Paramjit, PPS, Deputy Superintendent of Police, Sub-Division Maur, District Bathinda filed, same is taken on record. Copy of the same supplied to the counsel for the petitioner.

4. Learned senior counsel for the petitioner submits that petitioner was a transporter. He had received the packages from the consignors, M/s Tredwell Health Cares, Ludhiana and M/s J.M. Health Care, Zirakpur for M/s BMW Medicos. He further relies upon the fact that the consignor of the packages was granted bail by this Court on 6th January, 2020.

5. Learned State counsel opposes the prayer for grant of regular bail. He relies upon the pleadings of the reply and submits that for four packets, the batch number could not be verified, with regard to the other nineteen packets, the batch number is matching with the bills issued by M/s Tredwell Health Cares, Ludhiana.

6. As per the affidavit, the batch numbers by and large have been verified by the bill and considering the facts that petitioner is in custody since 19th July, 2019, no recovery is made from the petitioner, co-accused

granted bail by this Court, petitioner has no criminal antecedents and conclusion of the trial is likely to take time, petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

- 7. The petition is allowed.
- 8. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

(AVNEESH JHINGAN)
JUDGE

17th November, 2021
Parveen Sharma

Whether reasoned/speaking	Yes/No
<i>Whether reportable</i>	<i>Yes/No</i>