

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

(I)

CRM-M-49056-2019 (O&M)
Date of Decision:- 1.4.2021

Narinder Pal

... Petitioner

Versus

State of Punjab

... Respondent

(II)

CRM-M-18229-2020 (O&M)

Ram Sanjeevan Singh

... Petitioner

Versus

State of Punjab

... Respondent

(III)

CRM-M-36522-2020 (O&M)

Balram Singh Rawat

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Gursimran Singh Madaan, Advocate,
for the petitioner in CRM-M-49056-2019.

Mr. B.S.Kathuria, Advocate,
for the petitioner in CRM-M-18229-2020.

Ms. Manju Goyal, Advocate for
Mr. Sumeet Goel, Advocate,
for the petitioner in CRM-M-36522-2020.

Mr. Saurav Khurana, DAG, Punjab,
assisted by SI Ram Pal.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of the above mentioned three petitions wherein petitioners Narinder Pal, Ram Sanjeevan Singh and Balram Singh Rawat, seek grant of regular bail in a case registered vide FIR No. 83, dated 28.8.2019, Police Station Special Task Force, District STF Wing Police Station Division No.5, Ludhiana, under Sections 22, 27-A and 29 of NDPS Act.
2. The FIR in question was lodged on the basis of a secret information received by the police to the effect that Narinder Pal @ Vicky and his brother Chandan Parkash @ Lucky along with their associates supply drugs which have been banned by Punjab Government, in a large scale and share profit amongst each other. The information was further to the effect that Narinder Pal @ Vicky has set up a shop

under the name and style of M/s Kanchan Medicos at Mohalla Jawahar Nagar Camp, Ludhiana, and was maintaining Ertiga car bearing registration No.PB-10-HB-1809 and a Brezza car bearing registration No.PB-10-HB-7869 for the purpose of supply of intoxicant drugs and has also set up a warehouse for storing such intoxicating tablets, capsules and injections. It was further informed by the secret informer that Narinder Pal @ Vicky was to go in Ertiga car from his shop for the purpose of supplying intoxicating drugs and that in case barricading is laid, he may be caught red handed along with huge quantity of banned drugs.

3. It is the case of prosecution that pursuant to receipt of said information, a raid was conducted at Mohalla Jawahar Nagar Camp, Ludhiana where a person was found sitting in Ertiga car bearing registration No.PB-10-HB-1809 who upon inquiry disclosed his name as Narinder Pal @ Vicky. The search of Ertiga car yielded recovery of 4 heavy plastic bags from which 70,000 tablets of Lomotil containing Diphenoxylate Hydrochloride. Another 6,000 tablets of Alprasaft (Alprazolam) and 6480 tablets of Dicyclomine Hydrochloride, Tramadol and 7200 more capsules of Tramadol Hydrochloride were also recovered.
4. During the course of interrogation Narinder Pal @ Vicky disclosed that he and his brother Chandan Parkash @ Lucky had taken a house on rent in street No.8-1/2 Mohalla Harkrishan Nagar, Shimlapuri, Ludhiana, for storing intoxicating drugs, tablets, injections etc and that he and his brother are the only persons who know about the

same. Narinder Pal @ Vicky led the police party to the said premises and after picking up a key kept near the main gate of the house opened the lock of the main gate and got recovered another cache of drugs i.e. 46800 Tramadol Hydrochloride Tablets, 47100 Tramadol Hydrochloride capsules IP, 1200 Buprenorphine Injection IP, 250 bottles of Onerex surup containing Chlorpheniramine Maleate, 5760 intoxicating capsules containing salt of Tramadol Hydrochloride Capsules IP, 1,73,010 tablets of Clovidol-100 SR. It was thereafter that accused Chandan Parkash @ Lucky was also arrested. Upon further interrogation of both the brothers, they disclosed that they used to order intoxicating drugs from Delhi which used to be delivered through DTDC courier Ludhiana. The said disclosure led to arrest of petitioner Ram Sanjeevan Singh and Balram Singh Rawat.

5. Learned counsel for the petitioners have vehemently argued that they have falsely been implicated in the instant case. While the learned counsel representing Narinder Pal @ Vicky has submitted that in fact it is a case where brother of petitioner Narinder Pal namely Chandan Parkash @ Lucky is a licenced chemist and the petitioner Narinder Pal @ Vicky had been helping him in his business and that in these circumstances it could not be said that the petitioner had committed any offence.
6. Learned counsel for petitioner Ram Sanjeevan Singh has submitted that he is merely an employee of a courier company and that he was nowhere involved in alleged drug trafficking racket.

7. Learned counsel for petitioner Balram Singh Rawat has submitted that he is Branch Manager of DTDC (courier company) and that he cannot be held responsible in any manner in case any employee working in the courier company had misconducted himself and that in fact it is co-accused Sunil Kumar Luthra who had employed Ram Sanjeevan Singh for delivery of parcels which were alleged to be containing intoxicating medicines.
8. On the other hand, learned State counsel has submitted that it is a case where huge quantity of contraband had been recovered from the possession of petitioner Narinder Pal @ Vicky and that upon his disclosure statement another huge recovery of contraband was recovered from the store being managed by the petitioner Narinder Pal @ Vicky and his brother Chandan Parkash @ Lucky. Learned State counsel has submitted that even if it is assumed that the petitioner Narinder Pal's brother was having some licence to possess, sell or distribute medicines, still the same would not justify possession of drugs by the petitioner Narinder Pal and that in any case even by virtue of a drug licence, the licence holder is not authorized to transport and store medicines/drugs as per his will at any place and that it is only at the nominated place that such medicines/drugs may be stored or sold which is not the case in hand.
9. Learned State counsel has further submitted that even the complicity of the other two petitioners namely Ram Sanjeevan Singh and Balam Singh Rawat, who are the Manager and an employee of the courier company is clearly evident since huge quantity of drugs was being

procured from Delhi and was being delivered at Ludhiana. Learned State counsel has thus prayed for dismissal of the petitions. Learned State counsel has however, informed that petitioner Narinder Pal @ Vicky has been behind bars for the last 1 year, 4 months and 14 days; petitioner Ram Sanjeevan Singh has been behind bars for the last 1 year and 1 day and Balram Singh Rawat has been behind bars for the last 1 year and 5 days. It has further been submitted that no other case is pending against the petitioners.

10. I have considered rival submissions addressed before this Court.
11. As far as petitioner Narinder Pal is concerned, he was apprehended while in possession of a huge quantity of drugs for which he could not furnish any justification. Even if his brother is possessing any licence, the same would not justify the possession of the petitioner of a huge quantity of drugs which was found from the car. Further the premises from where another cache of drugs was recovered at the instance of the petitioner is also not found to be authorized premises under the Drugs and Cosmetics Act. In these circumstances, petitioner Narinder Pal @ Vicky does not deserve the concession of bail. The petition (CRM-M-49056-2019), as such, filed on behalf of petitioner Narinder Pal @ Vicky stands dismissed.
12. As far as the other two petitioners are concerned, they are working in the courier company. Nothing was ever recovered from their possession, though of course it is alleged that they were instrumental in delivery of the contraband in Ludhiana which was being procured from Delhi. At this stage, it will be debatable as to whether the drugs

which were being delivered through courier company where the petitioners were working were being delivered with the knowledge and connivance of the said petitioners or as to whether the same were being delivered as a part of their professional duty and commitment. In any case the said two petitioners have already been behind bars for the last more than 1 year and are not stated to be previous convicts. The petitions i.e. CRM-M-18229 and 36522 of 2020 filed on behalf of Ram Sanjeevan Singh and Balram Singh Rawat merit acceptance and are hereby accepted. The petitioners namely Ram Sanjeevan Singh and Balram Singh Rawat are ordered to be released on bail subject to their furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

1.4.2021
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No