

**217 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Date of decision : 19.05.2022

1. CRM-M-2020-2021

Jagjit Singh	Petitioner
State of Punjab	...Respondent

Vs.

2. CRM-M-49471-2019 (O&M)

Ankur Mehta	Petitioner
State of Punjab	...Respondent

Vs.

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. PKS Phoolka, Advocate for the petitioner
in CRM-M-2020-2021.
Mr. Vipul Jindal, Advocate for the petitioner
in CRM-M-49471-2019.
Mr. Sandeep Singh Deol, DAG, Punjab.

MANOJ BAJAJ, J.

Petitioners have filed these separate petitions under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.284 dated 17.10.2019 under Sections 21, 25 and 29 Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Sardulgarh, District Mansa, who were arrested on 20.10.2019 and 17.10.2019, respectively.

The allegations in the FIR as noticed by the learned Judge, Special Court Mansa, in the order dated 20.12.2019 are as under:-

“Present FIR has been lodged against the applicant/accused for being in illicit possession of 23400 tablets of Tramadol and 2400 tablets of Alprazolam.”

Learned counsel for the petitioners have argued that police has falsely implicated the petitioners in the case and according to Mr. Jindal, learned counsel, accused-Ankur Mehta holds a valid licence to run a chemist shop, therefore, it would be debatable, if the alleged offences are committed by him. In this regard, he has invited the attention of the Court to the licences (Annexure P-3) and submits that the petitioner is even authorized to store the drugs, which fall under the purview of NDPS Act, whereas Mr. Phoolka, learned counsel for petitioner-Jagjit Singh contends that the petitioner was not arrested at the spot. Learned counsel have submitted that the petitioners are in custody for a long time and trial is not making any headway, therefore, they be granted the concession of bail as they are not involved in any other case of similar nature. In support of the prayer, Mr.Jindal, learned counsel for accused-Ankur Mehta has relied upon the decision dated 11.02.2020 of this Court in “Satish Kumar Vs. State of Punjab” passed in CRM-M-38153-2019 and decision dated 22.11.2019 passed in “Sukhchain Singh Vs. State of Punjab” passed in CRM-M-26998-2019 and submitted that the said petitioners were also chemist, who were implicated and were granted bail.

Learned State counsel who is assisted by HC Amrik Singh,

has opposed the prayer and argued that the recovery of tablets would fall under the commercial quantity defined by the NDPS Act and vehicle used in the crime is also owned by petitioner-Amit Mehta. He has further refuted the stand of Mr. Phoolka, learned counsel for petitioner-Jagjit Singh that he was not arrested on the spot, whereas according to learned State counsel, the said accused was travelling with Amit Mehta in the same vehicle, but he managed to escape from the spot, and thereafter he was identified by his co-accused. In that regard, he has drawn the attention of the Court to the contents of the FIR, wherein it is specifically mentioned that the person sitting on the rear seat of the vehicle ran away. He on instructions further submits that after framing of charges on 31.05.2020, case is now fixed for recording the prosecution evidence before the trial Court.

After hearing learned counsel for the parties, considering above background, particularly the stand of Mr. Jindal that at the time of recovery no invoices or any evidence of purchase of the said tablets was with the petitioner or were ever referred to during investigation by him. Concededly, the recovery of the contraband was effected far away from District Hisar, where he is running a chemist shop, therefore, this Court is not inclined to extend the concession of regular bail to the petitioners. Further, the decisions relied upon by the learned counsel may not be applicable in the facts and circumstances of this case as in

Satish Kumar's case, the bail was granted to the said accused after examining the deposition of the Investigating Officer particularly his cross-examination as well as the custody of the accused. Similarly, in Sukhchain Singh's case, accused had purchased the recovered tablets from his co-accused-Darshan Singh, who had been released on bail, therefore, the concession of bail was also extended to him also. Resultantly, without meaning any expression of opinion on the merits of the case, no case is made out for releasing the petitioners on regular bail.

Petitions are dismissed.

19.05.2022

vanita

(MANOJ BAJAJ)
JUDGE

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