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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.6857 of 2022 (O&M)

Date of decision: 18.02.2022

Nasir

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Sukhjit Singh, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this 2nd petition is for grant of anticipatory bail to the petitioner in FIR No.20 dated 28.01.2021 registered under Section 22 of the NDPS Act (Section 29 of the NDPS Act added later) at Police Station Anaj Mandi, Patiala, District Patiala.

The earlier one was dismissed by this Court vide order dated 01.02.2022, passed in CRM-M No.49259 of 2021, by passing the following order:-

“On 24.11.2021, the counsel for the petitioner has stated that the petitioner is an auto-rickshaw driver and not running Rehmani Medical Store at Saharanpur, U.P., as per the allegations in the FIR. In view of the same, the Investigating Officer was directed to get this fact verified from the Drug Inspector, Saharanpur, U.P. and the arrest of the petitioner was stayed till today.

As per the allegations in the FIR, SI Balwinder Singh sent a ruqa to the Police Station that while on patrol duty, he received an information from ASI Bhupinder Singh that he was present at the Canal Bridge of village Daulatpur. On suspicion, an auto bearing registration No.PB-11-BN-0712 coming from the village side was stopped. A clean shaved person was trying to ran away along with a bag. However, the bag fell on the ground and

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strips of tablets were scattered. The person, who was trying to run away, as well as the driver of the auto, were apprehended by the police party. Thereafter, as per procedure, after giving a notice under Section 50 of the NDPS Act, 39000 intoxicant tablets of LOMOTIL were recovered from Satnam Singh @ Satta and Gulzar Singh @ Gaari, the driver and occupant of the auto. Later on, on the disclosure of accused Satnam Singh @ Satta, it came that he had purchased the same from Saharanpur, U.P. from the owner of Rehmani Medical Store. Thereafter, the police went to Saharanpur, U.P., but Rehmani Medical Store was found closed, however, petitioner-Nasir was found to be the owner of Rehmani Medical Store.

Counsel for the petitioner has submitted that the petitioner is the driver of an auto-rickshaw and he has been implicated on the disclosure of accused Satnam Singh @ Satta as supplier of the intoxicants tablets from Saharanpur, U.P., being the owner of the Rehmani Medical Store though he is not an employee of the same. Counsel for the petitioner further submits that the petitioner is not an educated person and is being falsely implicated on the disclosure of the co-accused. As noticed above, the Investigating Officer was directed to verify this fact. The affidavit of SI Balwinder Singh/Investigating Officer has been filed. As per the affidavit, the Investigating Officer sought a report from the Drug Inspector, Saharanpur, who, on verification of the record, stated that no drug license was issued in the name of Rehmani Medical Store. Rather, it was issued in the name of New Rehmani Medical Store at Manakmau Gangoh on the name of Shama Parveen, daughter of Irfan. The drug Inspector made inspection on 10.2.2021 of the premises of the medical store in the presence of petitionerNasir and on the basis of the same, the drug license of New Rehmani Medical Store was cancelled on 20.3.2021 by the Drug Licencing Authority, Saharanpur Division, Saharanpur. The report of the Drug Inspector, Saharanpur is annexed with the affidavit to this effect. The Investigating Officer also verified the authenticity of the certificate issued by the President, Saharnpur. Sarsawa Auto Association (Regd.) relied upon by the petitioner that he is an auto driver. During verification, the said certificate was found to be false, as the President of the Association Raj Kumar recorded a statement that the same was procured by concealing the material facts. It is also stated that on verification conducted by the Drug Inspector, with regard to the fact

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that petitioner-Nasir is an auto driver, was not only found to be false and rather a fake certificate was produced. It has also been verified that the petitioner was very much present when the Drug Licencing Authority, Saharanpur visited the premises of New Rehmani Medical Store on 10.2.2021 and later on, cancelled the licence.

After hearing learned counsel for the parties, and taking into consideration the facts and circumstances of the case, this Court is of the view that the petitioner was nominated on the disclosure of the co-accused Satnam Singh @ Satta and Gulzar Singh @ Gaari from whom the recovery of 39000 intoxicant tablets was effected, however, it is not a simple case of disclosure, rather the report of the Drug Inspector, District Saharanpur reflects that petitioner-Nasir, in fact, was doing the business in the name of New Rehmani Medical Store, whose license was later on cancelled by the Drug Licencing Authority, Saharanpur and, therefore, the disclosure of coaccused is supported by an independent enquiry conducted by the Drug Licencing Authority, Saharanpur, which is sufficient to connect the petitioner primarily being supplier of the drug as stated by the accused.

Accordingly, considering the seriousness of the allegations, the present petition fails and is dismissed as such.”

The new ground for filing this 2nd petition is that one Shama Parveen has sworn an affidavit that in fact, she is the proprietor of New Rehmani Medical Store.

Since this plea was available to the petitioner when the 1st bail application was filed and the same was dismissed by this Court considering the report of the Drug Inspector, therefore, no ground for grant of anticipatory bail to the petitioner is made out.

Dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

18.02.2022

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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No