IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.21735 of 2021
Date of Decision: 28-03- 2022.

Puneet Kapahi

...Petitioner

Versus

State of Punjab

...Respondent

(*Heard through Video-Conferencing)*

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. Harneet Singh Oberoi, Advocate,
for the petitioner.

Ms. Samina Dhir, Deputy Advocate General, Punjab.

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MEENAKSHI I. MEHTA, J.

By way of the instant petition, the petitioner has made the second attempt to seek the relief of regular bail in the criminal case arising out of the FIR bearing No.135 dated 14.07.2018 registered at Police Station Division No.4, District Police Commissionerate, Jalandhar, under Sections 22 and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (here-in-after referred to as 'the Act'). His first bail petition bearing CRM-M No.20281 of 2019 had been dismissed by this Court on 17.08.2020 for its having been withdrawn.

Bereft of unnecessary details, the allegations, as levelled in the present case, are that on 14.07.2018, a team of the Health Department, along-with L/SI Gurdeep Kaur from the above-said Police Station and A/SHO of Police Station Basti Bawa Khel, Jalandhar, conducted the raid at

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the medicines' shop being run by the petitioner under the name and style of 'Unique Pharma' at Phagwara Gate, Jalandhar. Thereafter, the raiding party reached at the godown of the petitioner situated in the basement of Monica Tower, Milap Chowk, Jalandhar and the ACP, Central Jalandhar joined them there. The search of the said godown led to the recovery of 30 boxes containing total 1500 Tramadex injections, 290 packets containing 29000 unlabelled green colour capsules, 96 packets containing 57600 ALPRAZOLAM tablets, 21 boxes having 5250 LIBI tablets, 26 boxes containing 5200 TRIM FORTEMR tablets, 45 boxes having 9000 TRIUM-MRD tablets and 109 small unlabelled plastic bottles. The disclosure statement, suffered by the petitioner during his interrogation, resulted in the recovery of two boxes, containing 9500 ALBIUM-10 tablets and 19200 ALPRAZOLAM WELPRAZONE tablets, as kept in the Maruti Alto Car bearing registration number PB-08-CW-6385.

Short Reply filed on behalf of the respondent-State, along-with Annexures R-1 to R-3, is already available on the file and these documents are taken on the record. Additional reply, by way of the affidavit of the Joint Commissioner (Drugs)-cum-Drugs Controller, Punjab has already been placed on the record.

I have heard learned counsel for the petitioner as well as learned State counsel (assisted by Ms. Anupama Kalia, Drug Inspector) in the present petition and have also perused the file carefully.

Learned counsel for the petitioner has referred to Annexure P-3, i.e the copy of the License shown to have been issued by the Department of Drugs Control, Punjab in the name of the petitioner in respect of his shop

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'Unique Pharma' and he has also pointed out that Annexure P-10 (Colly) consists of the Retail, GST & Tax Invoices qua the purchase of the drugs/medicines by/for 'Unique Pharma' and he has further drawn the attention of the Court to Annexures P-13 & P-14, i.e the copies of the Receipts Challans showing the deposit of the amounts of Rs.3000/- and Rs.1500/- respectively and he has contended that in view of the afore-mentioned documents, it is explicit that the petitioner had applied for and was granted the Licence for keeping the recovered drugs/medicines and had purchased the same accordingly and it being so, the recovery of the above-said drugs/medicines does not attract any culpability qua him under the Act.

Per-contra, learned State counsel has argued that the said License Annexure P-3 and the Invoices, i.e Annexure P-10 (Colly) pertain to the shop of the petitioner named and styled as 'Unique Pharma' located near Phagwara Gate, Jalandhar whereas the afore-mentioned drugs/contraband has been recovered from the godown of the petitioner located at a different place, i.e in the basement of Monica Tower at Milap Chowk, Jalandhar and moreover, the petitioner had never applied for nor had deposited any fee for the grant of License for his said godown and thus, the storage of the above-detailed contraband/drugs therein by him, was an unauthorized one attracting the provisions of the Act and in such circumstances, this petition be dismissed.

As regards Annexure P-3, a perusal of the same reveals that the said License pertains to 'Unique Pharma', i.e the shop of the petitioner situated near Phagwara Gate, Jalandhar as mentioned therein. Similarly, Annexure P-10, i.e the copies of the Retail, GST & Tax Invoices, are also

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shown to have been issued while mentioning the address of the afore-said shop of the petitioner. Therefore, these documents do not help the petitioner at all as the drugs/contraband has allegedly been recovered during the search of his said godown.

So far as Annexures P-13 & P-14, i.e the copies of the Receipts/ Challans qua the deposit of the amounts of Rs.3,000/- and Rs.1500/-are concerned, it is pertinent to mention here that the Joint Commissioner (Drugs)-cum-Drugs Controller, has specifically deposed in Para No.3 in his above-referred affidavit that as per the record, the petitioner had applied online for the addition of more space in the existing carpet area and was granted the approval for the same but in Para No.4 therein, he has further categorically stated that the petitioner had never applied online for seeking the Wholesale Licence for the godown/shop located in the basement of Monica Tower and the claim of the petitioner to that effect is false and frivolous. At this stage, the petitioner has not been able to place any material on the record to show to the contrary and in view of these depositions, it becomes quite explicit that the copies of the said Receipts Challans do not pertain to the afore-said godown of the petitioner. Further, it will not be out of place to mention here that concededly, the petitioner is also involved in two (02) more cases of the similar nature besides the present one.

Keeping in view the above-discussed facts and circumstances as well as the gravity of the offence as alleged to have been committed by the petitioner, this Court is of the considered opinion that he (petitioner) does not deserve the relief of regular bail. Resultantly, the petition in hand stands

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dismissed accordingly.

However, it is clarified that nothing contained here-in-before shall be construed to be an expression of the opinion of this Court on the merits of the case.

(MEENAKSHI I. MEHTA)
JUDGE

28th **March, 2022.**
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Whether speaking/reasoned?	*Yes*
Whether Reportable?	*No*

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