

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

210-B

CRM-M-30201-2021 (O&M)

Date of Decision: 24.05.2022

GAGAN DHINGRA AND ANOTHER

... Petitioners

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Sandeep Kumar Passi, Advocate
for the petitioners.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

HARNARESH SINGH GILL, J.(Oral)

Prayer is for quashing FIR No.171 dated 03.10.2019, registered at Police Station Dakha, District Ludhiana, under Sections 22 and 25 of the NDPS Act.

Learned counsel for the petitioners submits that on 03.10.2019, petitioner No.1 received a telephonic call from his friend Nishan Singh (petitioner No.2), who is also running a medical store and he asked the petitioner to come near Wave Mall, Ludhiana and also bring the money kept with him; that petitioner No.1 took Rs.2,00,000/- from M.S Sandhu Traders and Rs.1,00,000/- from his own cash counter and went near the Wave Mall with one Satinder Singh; that when petitioner No.1 and Satinder Singh reached the spot, they saw petitioner No.2 sitting in a white colour Fortuner Car with some persons in civil attiring; that they forcibly took the petitioners to the Police Station and that later on petitioners came to know that the persons in civil attiring were the

police personnel.

Learned counsel for the petitioners submits that the petitioners are Retail Drug Licensed Chemists, valid from 02.09.2018 till 01.09.2023 and 30.04.2018 till 29.04.2023 and are running their shops under the names and style of M/s Dhingra Medicaments and M/s Navjot Medicos, respectively. He further submits that the petitioners have been in custody since 03.10.2019. Learned counsel for the petitioners would further submit that the false implication of petitioners is apparent from the very material fact that the ruqa for registration of the FIR had been sent at 6.10 p.m., whereas the petitioners were already taken in custody at around 4.15 p.m. to 5.29 p.m. On the strength of said assertions, it is submitted that the recovery has been planted upon the petitioners.

As per the affidavit dated 21.03.2022 filed by the Deputy Superintendent of Police, Dakha, District Ludhiana (Rural), the Police party headed by SHO, had laid a naka, when two young men came on a motorcycle and were having an envelope lying between them; that on seeing the Police party, they turned back and the boxes containing medical strips got scattered on the road and accordingly, the petitioners were apprehended.

Learned State counsel submits that the recovered contraband i.e. 14970 intoxicant tablets Mark Clovidol 100 SR, effected from the petitioner and the co-accused, falls under the commercial quantity and Section 37 of the NDPS Act bars the grant of bail to the accused in the case of a commercial quantity.

I have heard the learned counsel for the parties.

Admittedly, the quantity of the recovered contraband falls under the commercial quantity and Section 37 of the NDPS Act bars the grant of bail to the accused in the case of commercial quantity.

In view of the above, no ground is made out to quash the FIR in question.

Dismissed.

24.05.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

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