

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

CRM-M-32961-2022 (O&M)

Date of Decision:-5.8.2022

Parvinder Doomra

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Raman Goklaney, Advocate for the petitioner.

Mr. R.S. Sidhu, Assistant Advocate General, Punjab,
assisted by ASI Mohinder Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.0052, dated 9.7.2022, Police Station Amir Khas, District Fazilka, under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985, wherein offence under Section 29 of NDPS Act was added later on.
2. The case of the prosecution is that one Vikas was found in possession of 260 tablets of 'Tramadol Hydrochloride'. It is further the case of prosecution that during the course of interrogation said Vikas disclosed that he had procured the said tablets from 'Doomra Medical Hall'.
3. Learned counsel for the petitioner submits that the petitioner is running the aforesaid 'Doomra Medical Hall' and is a licensed chemist and that, in these

circumstances, he cannot be said to have committed any offence. Learned counsel for the petitioner has today passed on a photocopy of the license issued to the petitioner, which is taken on record.

4. A perusal of the said license, however, does not show that he has been authorized to sell or store 'Tramadol'. Rather the said drug is amongst the drugs which he has been specifically prohibited to sell. The said condition reads as under:

"Specific Condition:

20. Except the formulations containing dextropropoxyphene, Diphenoxylate, Codeine, Nitrazepam, Buprenorphine, Pentazocine, Tramadol, Tapentadol.

21. Except the formulations containing dextropropoxyphene, Diphenoxylate, Codeine, Nitrazepam, Buprenorphine, Pentazocine, Tramadol, Tapentadol"

5. Learned counsel for the petitioner has next submitted that apart from the aforesaid disclosure statement of the Vikas, there is no evidence to connect him with the alleged occurrence and has pressed into service a judgment of Hon'ble the Supreme Court passed in Criminal Appeal No.1001 of 2022 decided on 19.7.2022 titled Narcotics Control Bureau Vs. Mohit Aggarwal, to contend that he cannot be involved solely on the basis of disclosure statement.
6. ASI Mohinder Singh, who is present in Court alongwith police file. Learned State counsel, upon getting instructions from the assisting police officer, has informed that the police has collected call-details record, which shows that several calls had been exchanged between the petitioner and Vikas.

7. I have considered rival submissions addressed before this Court.
8. In the present case, the disclosure statement virtually stands substantiated from the scientific investigation resorted to by the Investigating Officer inasmuch as the call-details record *prima-facie* points towards his complicity as he was regularly in touch with Vikas, who was found in possession of 260 tablets of 'Tramadol Hydrochloride' and who has made a disclosure statement against the petitioner.
9. During the course of arguments a submission was also made on behalf of the petitioner that the quantity recovered would fall in the category of 'intermediate' quantity. However, the said fact can not deprive the investigating agency of its right of custodial interrogation especially when interrogation could reveal further details and extent of crime.
10. In view of the aforestated position, no special case for grant of anticipatory bail is made out. The instant petition, as such, is dismissed.
11. It is, however, made clear that none of the observations made above shall be construed to be an expression on merits of the main case and the Trial Court shall proceed with the matter independently without being influenced by any observations made above.

5.8.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No