

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-43715 of 2021

Date of Decision: 10.01.2022

Prince Aggarwal

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Parminder Singh Sekhon, Advocate
for the petitioner(s).

Mr. Nikhil Chopra, Additional Advocate General,
Punjab, for the respondent.

Anil Kshetarpal, J.

1. This is the petitioner's fifth attempt to get regular bail, pending trial in FIR No. 182 dated 24.08.2019, registered under Sections 22, 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Sadar, Jagraon, District Ludhiana (Rural).

2. On 02.07.2020, the second petition, filed by the petitioner for granting regular bail to him, was dismissed with the following order:-

“This is second petition filed for grant of regular bail to the petitioner in a criminal case arising out from FIR No.182, dated 24.08.2019, registered under Sections 22/25/29/61/85 of the NDPS Act, 1985, at Police Station Sadar Jagraon, District Ludhiana (Rural). First one was dismissed as withdrawn on 06.12.2019.

Garg @ Babbal and Deepak Kumar @ Deepu were apprehended with 24600 intoxicant Alprazolam tablets, 200 intoxicant pentazocine lactate injections along with Rs.5,00,000/- drug money. During interrogation, Aman Garg confessed that he can get more intoxicant tablets recovered which have been kept in a residential house. Thereupon, Aman Garg got recovered 75,600 intoxicant Tramadol Hydrochloride tablets. He further disclosed that he use to procure the said intoxicant tablets from Vipin Kumar Bansal, who was apprehended on 25.08.2019 and 2500 intoxicant Tramadol Hydrochloride tablets along with Rs.1,00,000/- drug money was recovered. Thereafter, Aman Garg disclosed the names of Jagtar Singh and Gurharmanjeet Singh @ Harman @ Soni.

On the arrest of Jagtar Singh, 120 intoxicant tablets of Tramadol Hydrochloride along with Rs.50,000/- drug money was recovered. Whereas from Gurharmanjeet Singh @ Harman @ Soni 100 intoxicant Tramadol Hyrdochloride tablets along with Rs.25,000/- as drug money was recovered.

During interrogation of Vipin Kumar Bansal, the petitioner-Prince Aggarwal was nominated as accused. He was arrested on 01.09.2019 and on his disclosure, 1000 intoxicant Alprazolam tablets along with Rs.1,50,000/- drug money was recovered.

Learned counsel for the petitioner contends that Section 42 of the NDPS Act has not been complied with. He further

submitted that the quantity recovered from the petitioner is marginally more than the commercial quantity. He further submitted that the petitioner is a licence chemist. He further submits that it is a Schedule-H drug.

On the other hand, learned counsel for the State has pointed out that huge quantity of intoxicant tablets and injections have been recovered. He submitted that the whole recovery has to be taken into consideration. He further submitted that the licence is in the name of father of the petitioner and the licenced premises is different from the place from intoxicating tablets were recovered from the petitioner. He further submitted that as per licence, competent person is Naveen Kumar Aggarwal and not the petitioner-Prince Aggarwal.

This court has considered the submissions.

It would not be appropriate for this Court to comment on merits of the case. In the present case, more than 1,00,000 intoxicant tablets, 200 intoxicant injections and huge amount of cash has been recovered. The investigating agency has recovered 1000 intoxicant tablets from the house of the petitioner, which is not a licence premises.

The alleged recovery from the petitioner individually is also more than the commercial quantity, although, the entire recovery would have to be considered.

Keeping in view the aforesaid facts, this court is not

inclined to grant bail to the petitioner.

Dismissed”.

3. The learned counsel representing the petitioner contends that the recovery from the petitioner is only of 1000 intoxicated tablets and he has been falsely implicated in the present case.

4. In the considered view of the Court, in the present case, the prosecution has alleged to have recovered more than 1,00,000 intoxicated tablets, 200 intoxicated injections and a huge amount of cash.

5. Keeping in view the aforesaid facts, no ground is made out to grant the concession of regular bail to the petitioner. Hence, the present petition is dismissed.

(Anil Kshetarpal)
Judge

January 10, 2022

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No