

CRM-M-50921-2021

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

CRM-M-50921-2021
Date of decision: 04.04.2022

Gaurav Arora

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Arjun Veer Sharma, Advocate,
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.247 dated 28.07.2020, registered at Police Station Bhuna, District Fatehabad, under Section 22(c), 27-A and 29 NDPS Act, 1985.

Copy of status report dated 25.03.2022 by way of affidavit of the Deputy Superintendent of Police, Fatehabad, filed in the Registry, is taken on record.

As per the prosecution version, recovery of 720 strips (containing 10 tablets each) of Alprazolam IP 0.5 mg, total weighing 1440 gram with strips, but 1029.6 gram without strips, and 100 strips (containing 10 tablets each) of Tramadol Hydrochloride Prolonged-release Tablets, total weighing 585 gram with strips, but 427 gram without strips, was effected from a bag tied with the motor-cycle bearing registration No.HR-22 K/2673.

CRM-M-50921-2021

has falsely been implicated in the present case; that the petitioner was indicted on the disclosure statement of Prem Rattan to the effect that the contraband recovered from Satpal @ Satia and Kuldeep, had been sold to him by the petitioner, and that when the petitioner was incarcerated in another case, he was arrested in the present case through production warrant.

Learned counsel for the petitioner further contends that the petitioner is a licensed/authorized drug manufacturer and his company had never supplied the recovered contraband to any of the accused persons and rather the same had been supplied to M/s Matrix Enterprises at Jaipur and M/s Shri Ji Medical Store at Mathura, as would decipher from the invoice (Annexure P-3). The aforesaid two chemists might have sold the recovered contraband to some other persons. Otherwise, the petitioner has no role to play in the present case. In support of his case, the learned counsel relies upon the judgments rendered by the Hon'ble Supreme Court in 'Sanjeev Chandra Agarwal & Anr. Vs. Union of India 2021 (4) R.C.R. (Criminal) 590 and in Special Leave to Appeal (Crl.) No(s).5458/2021, titled as 'Shreyansh Jhabak Vs. State of Chhattisgarh'.

On the other hand, learned State counsel, while opposing the aforesaid submissions made by the learned counsel for the petitioner, submits that the recovery effected in the present case falls in 'commercial quantity', and therefore, the petitioner is not entitled to the benefit of bail. Moreover, the petitioner is also involved in seven other case of similar nature.

I have heard the learned counsel for the parties.

CRM-M-50921-2021

As per the case of the prosecution, the present petitioner had supplied the recovered contraband to co-accused, Prem Rattan, who had further supplied the same to co-accused, Rajender Singh @ Raju and Mahipal @ Banna and they had further sold the same to co-accused Satpal @ Satia and Kuldeep.

Indisputably, the extent of recovery of intoxicant tablets, effected in the present case, falls in 'commercial quantity'. Section 37 NDPS Act, 1985 bars the grant of bail to the accused in cases involving 'commercial quantity'. Moreover, the petitioner is also involved in seven other cases of similar nature. He seems to be a habitual offender having repeated and continuous criminal antecedents.

The judgment relied upon by the learned counsel for the petitioner, are not applicable to the present case having distinguishable facts.

Keeping in view the nature and gravity of the offence, I do not find any merit in the present petition.

Dismissed.

04.04.2022

parveen kumar

(HARNARESH SINGH GILL)

JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No