

207 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2000-2023 (O&M)

Date of Reserve:25.09.2023

Date of Decision:16.10.2023

Neeraj Dung

...Petitioner

Vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present: Mr.Yashveer Kharb, Advocate
for the petitioner.

Ms. Sheenu Sura, Deputy Advocate General, Haryana.

N.S.Shekhawat J.

1. The petitioner has filed the present petition under Section 438 Cr. P.C. with a prayer to grant of anticipatory bail in case arising out of FIR No.524 dated 06.09.2022, under Sections 22(c),29,27-A,61/85 of NDPS Act registered at Police Station Israna, District Panipat (Annexure P-1).

2. While hearing the present petition on 23.01.2023, a Co-ordinate Bench of this Court had noticed the following contentions on behalf of the present petitioner:-

“It has been alleged that co-accused Kaushal was arrested by the police and 145 ampules of 1 ML Pentazocine Lactate injections IP which were in the form of strips each containing 5 injections having batch No.AA2066, manufacturing date 05/2022 and expiry date 04/2024 were recovered from him and consequently, FIR was registered in the present case. Co-accused Kaushal disclosed about the involvement of co-accused Raju Shukla and then Raju Shukla was arrested and thereafter, one Ravi was arrested and then the police

also arrested one Abdul Rahim who disclosed that he procured the 1500 injections (medical intoxicants) from one Ranjeet Singh @ Monty and that he sold some of them to Raju Shukla and kept the remaining 900 with him and then he got recovered said 900 injections having batch No.AA2068 manufacturing date 06/2022 and expiry date 05/2024. There are also allegations that Ranjeet Singh @ Monty procured the aforesaid 1500 injections (medical intoxicants) from present petitioner Neeraj Dung making payment of ` 18000/- to him.

Counsel for the petitioner inter alia contends that he is a whole seller, distributor and stockiest of manufactured drugs and is having drugs licence (Annexure P-2) and the same is valid. He further submits that two types of medical intoxicants are alleged to be involved in this case having batch No.AA2066 and AA2068.

Counsel for the petitioner, while referring to (Annexure P-4) submits that he purchased 49900 ampules/injections having batch No.AA2066 from Aishwarya Healthcare and sold the same to different pharmacies and also returned 20000 injections on 28.9.2022 out of the said total injections. He further submits that the entire injections having batch No.AA2066 have been accounted for by the petitioner. He while referring to Annexure P-5 further submits that in the similar manner, he purchased another 40100 ampules/injections having batch No.AA2068 from Aishwarya Healthcare and thereafter, sold the same to different pharmacies; that even the injections having batch No.AA2068 are also completely accounted for by the petitioner by producing the relevant record maintained by him and the entire record is bearing GSTIN numbers of the seller as well as buyer and even copies of concerned e-way bills are also produced.

Counsel for the petitioner further submits that as per prosecution version, Ranjeet Singh @ Monty purchased medical intoxicants from the petitioner for ` 18000/-. It is further submitted that said Ranjeet Singh @ Monty was earlier working with Bhumika Pharma which is having dealing with the petitioner and the cash amount of `Rs.5000/- dated 10.5.2022 and another payment of Rs. 35000/- dated 29.6.2022 in Annexure P-3 is on behalf of said Bhumika Pharma and the same is not co-relating to the alleged amount of Rs. 18000/- stated to be received by the petitioner while selling 1500 injections/ampules of medical intoxicants to said Ranjeet Singh @ Monty. So, prayer is made that the petitioner be granted interim bail”.

3. At that stage, learned State counsel had prayed for time to seek specific instructions with regard to Annexures P-3, P-4 and P-5, which were heavily relied upon by the petitioner to account for the concerned injections having batch No. AA2066 and AA2068, which were purchased by him from Aishwarya Healthcare and the documents which were produced by the petitioner.

4. A status report was filed by way of affidavit of Deputy Superintendent of Police, Haryana State Narcotics Control Bureau, Karnal on behalf of respondent-State.

5. As per the investigation, the invoices of purchase and sale Annexure P-4 revealed that the firm of the petitioner namely M/s Hindustan Traders had purchased 49,900 ampoules of injection AISHWIN having batch No. AA2066 vide the three separate invoices dated 29.06.2022 from Aishwarya Healthcare and these were sold to following firms further:-

Name of Firm/entity	Quantity	Date of invoice
Medicita Pharma Private Limited	17700	07.09.2022
	4000	23.09.2022
	4000	07.10.2022
	2000	10.10.2022
Pahal Ek Jeewan Ki	200	07.09.2022
Indus Pharma	2000	20.09.2022
Aishwarya Healthcare	20000	28.09.2022

6. From the above details, it is apparent that the petitioner had sold the injections from 07.09.2022 i.e after the registration of the FIR on 06.09.2022 and the following persons were joined in the investigation and it was found that:-

(a) The proprietor of Medicita Pharma, Arun Kumar Sarswat had stated that he was purchased 21700 ampoules of injection AISHWIN having batch No. AA2066 vide invoice dated 07.09.2022 and 23.09.2022 from Hindustan Traders and this whole stock was sent back to Hindustan Traders vide invoice dated 23.01.2023. He further stated that the he did not receive any injection or medicines as shown in invoices dated 07.10.2022 and 10.10.2022.

(b) The proprietor of Indus Pharma, Arun Kumar Sarswat had stated that he had purchased 2000 ampoules of injection AISHWIN having batch No.AA2066 vide invoice dated 20.09.2022 from Hindustan Traders and this whole stock was sent back to Hindustan Traders vide invoice dated 30.12.2022.

(c) That in Annexure P-4, it had also been shown that 200 ampoules of injection AISHWIN having batch No. AA2066 was sold to “*Pahal Ek Jeewan Ki*”. Its founder Kshitij Pandey was joined in the enquiry, who stated that he was founder of organization “*Pahal Ek Jeewan Ki*”. The

organisation was running a Cow Medical Centre in Noida. They had not purchased 200 ampoules of injection AISHWIN having batch No. AA2066 from Hindustan Traders as shown in invoice dated 07.09.2022, neither they had received these injections nor paid any money for the same. He has specifically alleged in his writing on letter pad of the organization that the said invoice had been fraudulently issued in the name of organization.

(d) The detail of purchase and sale of injection AISHWIN having batch No. AA2066 also showed that vide invoice dated 28.09.2022, Hindustan Traders returned 20,000 ampoules back to Aishwarya Healthcare, the information received vide letter dated 17.01.2023 from Balakrishna Patnaik Senior GM, Aishwarya Healthcare, revealed that the credit note had been posted on 15.11.2022. Out of these 20,000 ampoules, 2000 had been sold to their firm at Lucknow and remaining 18000 were in their stock.

7. Still further, as per the learned State counsel, the invoices of purchase and sale (Annexure P-5) revealed that the petitioner’s firm Hindustan Traders had purchased 40,100 ampoules of injections AISHWIN having batch No.AA2068 vide the three separate invoices dated 29.06.2022 from Aishwarya Healthcare and these were sold to the following firms/entity:-

Name of Firm/entity			Quantity	Date of invoice
SG Pharma Private Limited			200	17.08.2022
			200	17.10.2022
			200	17.11.2022
Deepakshi Maternity	Nursing	and	500	04.09.2022
Medicita Limited	Pharma Private	12000		04..09.2022
		12870		06.09.2022
		4000		23.09.2022
		4000		21.11.2022

	3750	22.11.2022
Nandi Sewa Trust	1800	05.09.2022
Pahal ek Jeewan Ki	580	07.09.2022

8. Thus, the petitioner had purchased the injections AISHWIN bearing batch No. AA2068 vide invoice dated 29.06.2022 and sold it with effect from 17.08.2022. It was found during the course of investigation as under:-

(a) An enquiry made at SG Pharma, revealed that 600 ampoules of injection AISHWIN having batch No. AA 2068 were purchased from Hindustan Traders vide three separate invoices of 200 ampoules each on 17.08.2022, 17.10.2022 and 17.11.2022. These were further sold to Pharmacy/Medicose/Hospital.

(b) Enquiry was made at Dipakshi Nursing and Maternity Home, Noida on 03.03.2023, where Mohit Kumar Administrator, Head and HR had submitted in writing that they had never purchased any medicine from Hindustan Traders. The DL number 17124 shown in the invoice did not pertain to their hospital. Only address of hospital was correct, rest of the information was false and forged. It was also stated that he did not have ever any dealings with the said firm.

(c) That the proprietor of Medicita Pharma, Arun Kumar Sarswat had stated that he had purchased 12000+12870+4000 (28870) ampoules of injection AISHWIN having batch No. AA2068 vide invoice dated 04.09.2022, 06.09.2022 and 23.09.2022 respectively from Hindustan Traders and this whole stock was sent back to Hindustan Traders vide invoice dated 23.01.2023. He had further stated that he did not receive any injection or medicine as shown in

invoices dated 21.11.2022 and 22.11.2022.

(d) That the purchase and sale of injection AISHWIN having batch No. AA2068 Annexure P-5 shows sale of 1800 ampoules to Nandi Sewa Trust vide invoice dated 05.09.2022. In this regard necessary enquiry was made from Vijay Pandit, the director of the Trust, who is running a cow shelter in Noida area. He had stated that he was received the injections vide invoice dated 05.09.2022, which are used for Lumpi disease and due to financial conditions he had not made the payment. But he was not able to produce any license regarding pharmacy/drug.

(e) That in Annexure P-5, it had also been shown that 580 ampoules of injection AISHWIN having batch No. AA2068 was sold to *Pahal Ek Jeewan Ki*. Its founder Kshitij Pandey was joined in the enquiry. He had denied receipt of any injection as shown in the above detail. He has specifically alleged in writing on letter pad of the organization that the said invoice had been fraudulently issued in the name of the organization.

9. Learned State counsel further submitted that even the petitioner was issued three notices to join the investigation and he joined the investigation on 07.03.2023. He admitted that he knew Ranjeet @ Monty and had conversation with him on mobile/whatts app. He had also showed ignorance about the fact that injection AISHWIN having batch No. AA2066 were recovered on 06.09.2022, whereas till then as per Annexure P-4, no sale was made by him. He also admitted that “*Pahal Ek Jeewan Ki*” and “*Nandi Sewa Trust*” are not in a possession of valid drug license, despite that he sold injections to them. He could not give any satisfactory reply regarding injections sold to Dipakshi Nursing and Maternity Home. Even he did not co-operate

during the course of investigation and did not disclose any information correctly. Learned State counsel further submitted that the above referred details clearly shows that invoices had been fraudulently issued by the petitioner in the name of several organizations and Annexures P-4, P-5 and P-6 clearly shows that the petitioner had made a futile attempt to mislead the Court.

10. Apart from that, the petitioner had also wrongly placed reliance on Annexures P-29 to Annexures P-39, which clearly showed that the petitioner had shown the sale of the ampoules illegally. Apart from that, during the course of investigation, the statement of Mr. Kshitij Pandey was also recorded, who was the founder of the organization "*Pahal Ek Jeewan Ki*", which runs a Cow medical Centre in Noida. As per him, during the disease of Lumpi, the petitioner and Sushil Gola had visited his Gaushala and he procured three empty letter pads with his signatures of their Gaushala for donating the medicines. He had never demanded any such drugs from the petitioner nor ever visited Pet Kingdom, Dwarka and the letter dated 05.09.2022 was forged and fabricated and it did not bear the stamp of their trust. He further stated that they always use to send demand regarding medicine on whatsapp as well as hand written pad. Even during the course of investigation, it had been found that the petitioner had been threatening the witness Kshitij Pandey.

11. I have heard learned counsel for the parties and perused the record.

12. From the above referred discussion, it is apparent that the allegations against the present petitioner are very serious. He was a wholesale supplier of medicines and had illegally supplied the medicines/narcotics to various firms/persons as well as to Ranjeet @ Monty, who further supplied the same to various persons illegally. To conduct further investigation, the custodial

interrogation of the petitioner would be necessary. Apart from that, it is also apparent from the investigation conducted so far that the petitioner had not co-operated with the Investigating Officer and did not disclose the correct information, which is apparent from Annexure R-5 annexed with the reply submitted by the State. Apart from that, during the course of investigation, the police has found that the petitioner is also threatening Kshitij Pandey, who is a material witness in the present case. Thus, the petitioner does not deserve the concession of anticipatory bail by this Court and the present petition is accordingly, ordered to be dismissed.

13. All other pending applications if any, also disposed off, accordingly.

16.10.2023
hitesh

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No