2023:PHHC:111414
2023:PHHC:111415
2023:PHHC:111416
2023:PHHC:111417
2023:PHHC:111419

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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1. CRM-M-12639-2023

Rajiv Kumar @ Gourav @ Mannu

. . . . Petitioner

Vs.

State of Punjab

. . . . Respondent

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2. CRM-M-35076-2023

Uman Rehman

. . . . Petitioner

Vs.

State of Punjab

. . . . Respondent

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3. CRM-M-23126-2023

Nitin Kumar Singh

. . . . Petitioner

Vs.

State of Punjab

. . . . Respondent

****

4. CRM-M-13056-2023

Sanjeev Kumar Arora @ Sanjiv Arora

. . . . Petitioner

Vs.

State of Punjab

. . . . Respondent

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5. CRM-M-31064-2023

Rajan Kumar

. . . . Petitioner

Vs.

State of Punjab

. . . . Respondent

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Reserved on: 18.08.2023
Pronounced on: 23.08.2023

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CORAM: HON’BLE MR JUSTICE DEEPAK GUPTA

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Present: - Mr. Ashish Chopra, Sr. Advocate, with
Mr. Gagandeep Singh, Advocate,
for the petitioner (in CRM-M-23126-2023)

Mr. B.S. Bhalla, Advocate,
for the petitioner (in CRM-M-12639-2023)

Mr. Kartar Singh Malik (I), Advocate,
for the petitioner (in CRM-M-13056-2023)

Mr. Ishnoor Singh, Advocate, with
Mr. Divyam Singh, Advocate, for the petitioner
(in CRM-M-31064-2023)

Mr. Karanvir Singh Khehar, Advocate, for the petitioner
(in CRM-M-35076-2023)

Mr. Randeep Singh Khaira, DAG, Punjab.

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DEEPAK GUPTA, J.

This order shall dispose of 5 petitions as titled above, all filed under Section 439 Cr.P.C. for seeking regular bail, in a case arising out of FIR No.305 dated 21.12.2022 registered at Police Division-A, Police Commissionerate, Amritsar, under Section 22(c) of the Narcotics Drugs and Psychotropic Substances Act, 1985 [for short 'the NDPS Act'] (Sections 27A and 29 of the NDPS Act and Sections 420, 468, 471 and 120B/34 IPC, added later on).

Prosecution allegations & Investigation:

2 (i) As per prosecution allegations mentioned in the status reports as filed in all the petitions, on 21.12.2022, Nishan Sharma s/o Baldev Raj Sharma was apprehended on the basis of secret information from bus stand, Amritsar by a police party headed by Inspector Rajwinder Kaur, SHO of Police Station A-Division, Amritsar City. After making necessary statutory compliances, his search resulted in recovery of 29,920 intoxicating tablets

of Tramadol Hydrochloride 100 mg, Cosidol-100 SR tablets of Bluepen Laboratories Pvt. Ltd. (ISO 9001:2015 certified company), manufactured by Rapport Remedies, Dehradun with batch No. RRNT-NT-11/049, RRNT-11/038 and T12217.

(ii) On interrogation, said Nishan Sharma suffered disclosure statement on 22.12.2022 to the effect that he used to purchase the intoxicating tablets from Nadeem r/o Rurki, Uttrakhand and that he had to handover/supply the aforesaid tablets to Rajiv Kumar @ Gourav @ Mannu *(petitioner in CRM-M-12639-2023)*. He also disclosed that earlier also, he had supplied the tablets to said Rajiv Kumar @ Gourav @ Mannu and other associates many times. It was also disclosed that said Rajiv Kumar @ Gourav @ Mannu used to further sell the tablets to others and that said Rajiv Kumar @ Gourav @ Mannu had given him (Nishan Sharma) ₹60,000/- for bringing the intoxicating tablets and that after adding the remaining amount, he had brought the tablets for ₹1,10,000/- from Nadeem.

(iii) On the basis of aforesaid disclosed statement of Nishan Sharma, petitioner Rajiv Kumar @ Gourav @ Mannu and Nadeem were nominated in the FIR. Rajiv Kumar @ Gourav @ Mannu was arrested on 22.12.2022 and drug money of ₹29,300/- was recovered from him. On interrogation, said Rajiv Kumar @ Gourav @ Mannu suffered disclosure statement to the effect that he was habitual of selling intoxicating tablets, which he used to purchase from co-accused Nishan Sharma; that he had given ₹60,000/- in advance to Nishan Sharma for purchasing the intoxicating tablets and remaining amount was to be given to him after selling the contraband. Rajiv Kumar @ Gourav @ Mannu and Nishan

Sharma were produced before ld. Area Magistrate along with the parcels of the contraband and proceedings under Section 52A of the NDPS Act were initiated.

(iv) During course of further investigation, the firm M/s Rapport Remedies situated in Industrial Area, Selaqui, Dehradun, Uttrakhand was inspected on 23.12.2022 by the officials of Punjab Police Drug Control Department along with officers of Drug Control Department of Dehradun. Accused Usman Rehman *(petitioner in CRM-M-35076-2023),* the in charge and partner of the firm was present. It was found that manufacturing drug license of the said firm had been canceled vide letter dated 28.10.2022 of the competent authority, which had been received by the firm on 03.11.2022. Despite cancellation of its license, the firm continued to manufacture the intoxicating tablets containing Tramadol Hydrochloride as active ingredient in its different brands of various batches. It was further found that the said firm had sold 85000 capsules of Chelcidol-50; 1,44,000 tablets of LOS DOL 100 SR and 1,76,000 tablets of Cosidol 100 SR to M/s Bluepen Laboratories Private Limited, Dehradun vide different invoices of 21.11.2022, 10.11.2022 and 30.11.2022 i.e., even after intimation of cancellation of its drug manufacturing licence. However, on inspection no physical stock of the dosage containing Tramadol Hydrochloride as active ingredient was found; and as per the register of the raw material, stock in hand of Tramadol Hydrochloride was Nil. Spot Inspection Memo *(Annexure R1/T lying in Usman Rehman's case)* was prepared. Usman Rehman, owner of the firm was nominated as accused.

(v) Thereafter, on the same date as 24.12.2022, the firm M/s Bluepen Laboratories Pvt. Limited was inspected by the officers of Punjab Police Drug Control Department along with the officers of Drug Control Department of Dehradun (Uttrakhand). Inspection was conducted in the presence of Manoj Kumar Sahu, the competent person, authorized signatory as well as Director of the said Bluepen Laboratories Pvt. Limited. Said firm was found to hold a valid wholesale drug license, granted on 11.09.2021 and valid upto 10.09.2026. It was found that said firm had purchased 85,000 and 3,20,000 tablets from Rapport Remedies. On inspection of the sale record, the company was found to have sold the intoxicating tablets to A-Pharma, Shop No. G-27, R.K. Plaza, Plot No.5, Sector 21, Rohini Phase II, Delhi vide an invoice dated 11.11.2022. The firm was further found to have sold intoxicating tablets to various other firms by way of different invoices. The firm was found to have stocked 85,000 capsules of Chelcidol and 3,20,000 tablets of Casidol, containing Tramadol Hydrochloride as an active ingredient, having purchased the same from M/s Rapport Remedies. The same were found to have been manufactured by M/s Rapport Remedies after the date of cancellation of its manufacturing license. Thus, the company M/s Bluepen Laboratories Pvt. Limited, having purchased the drugs from manufacturing firm, after cancellation of the license, was found to have violated the conditions of the drug license. All the aforesaid intoxicating tablets were taken in possession as per law/rules.

(vi) Accused Usman Rehman *(petitioner in CRM-M-35076-2023)* was arrested on 25.12.2022 and on interrogation, he suffered disclosure statement *(Annexure R-4/T lying in Usman Rehman's case)* admitting to have sold 85,000 intoxicating capsules and 3,20,000 intoxicating tablets to Manoj Kumar Sahu of M/s Bluepen Laboratories Pvt. Ltd. He also disclosed that he could get the recovery effected from the premises of Bluepen Laboratories Pvt. Limited. Said Usman Rehman further disclosed that apart from selling the narcotic capsules and tablets to the aforesaid Bluepen Laboratories Pvt. Limited, he was also selling the same to various other marketing firms through Bluepen Laboratories Pvt. Limited and M/s Basumed Health Care Pvt. Ltd. to one Suraj Sharma, owner of A-Pharma, and even had supplied directly to Nadeem resident of Rurkee; and that Nadeem used to further sell the intoxicating tablets/capsules to other persons of Punjab State; and that on his direction, Nadeem also used to sell the same to Nishan Sharma in Amritsar and also to A-Pharma, Sector 21, Rohini, Delhi. Said Usman Rehman also disclosed about his knowledge of phone number and addresses of Nadeem and above said A-Pharma.

(vii) On the basis of disclosure statement of accused Usman Rehman, the documents relating to drug license of the firm A-Pharma of Rohini, Delhi were verified from Drug Control Board Delhi, which revealed Suraj Sharma to be owner and Nitin Kumar Singh *(petitioner in CRM-23126-2023)* to be the competent person of the said firm. However, Suraj Sharma was found to be not residing at the address given in his Aadhar card. The firm A-Pharma was not found to be working at the given address, as neither any medicine nor any bills etc. were lying there. Nitin Kumar Singh *(petitioner in CRM-23126-2023),* the competent person of the firm was found to be present at home, who told that he had never met Suraj Sharma. Photograph of Suraj Sharma affixed on the license was shown to

Nitin Kumar Singh, but he expressed his ignorance about any such person and told that he had appended his signature for obtaining the license on the asking of Sanjeev Kumar Arora @ Sanjiv Arora *(petitioner in CRM-M-13056-2023)* from the drug department, for ₹3000/- per month.

(viii) Nitin Kumar Singh led the police team to the shop of Jan Aushadhi at Vikas Puri, where Sanjeev Kumar Arora was found. Said Sanjeev Kumar Arora also showed his ignorance regarding any person by the name of Suraj Sharma by telling that he neither met him nor he identified the person on the photograph affixed on the drug license. However, said Sanjeev Kumar Arora admitted to have got prepared the file of drug license of A-Pharma and further told that they were also running one more firm in the name of medical store M/s A-One at Chemist J.J. Colony, Sanda Ghevra Delhi and that license of that firm had also been got issued by preparing the documents in the name of Preeti Devi and Anku Kumar like documents prepared for A-Pharma. Upon verification, the shop of A-One was found to be closed, whereas residential address of Preeti Devi was found to be fake. Thus, involvement of Sanjeev Kumar Arora and Nitin Kumar Singh was found for obtaining the drug license by submitting false documents in the name of fake firms and for running the business of intoxicating medicines in huge quantity. Both of them were arrested on 31.12.2022, having violated Section 27A and 29 of the NDPS Act and Section 420, 468, 471, 120B and 34 IPC.

(ix) Drug licenses issued in the name of aforesaid fake firms i.e. A-Pharma and M/s A-One Chemist, were canceled by the competent authority. On interrogation, during police remand, accused Nitin Kumar

Singh suffered disclosure statement on 02.01.2023 that Rishi Kumar Son of Rama Bali of West Delhi used to deliver the intoxicating tablets at firm A-Pharma and also used to bring the sale consideration amount. As such, said Rishi Kumar was nominated as co-accused in the case and arrested on 07.01.2023. Drug money of ₹4 lakh was recovered from him.

(x) During his custodial interrogation, Rishi Kumar suffered disclosure statement, as per which he along with Rajan Kumar *(petitioner in CRM-M-31064-2023)* and his distant brother-in-law namely Santosh Prashad were involved in drug paddling of intoxicating tablets, which they used to purchase from Bluepen Laboratories Pvt. Limited, Dehradun, Uttrakhand. The consignment of intoxicating tablets was transported through Delhi and that it was the responsibility of Rajan Kumar and Santosh Prashad to get released the consignment from transporters and the drug proceeds were distributed amongst them. Said Rishi Kumar further disclosed that he and Santosh Prashad used to invest drug proceeds in their chemist shop namely A-One Chemist and that it is Santosh Prashad, who had sent him to accused Sanjeev Kumar Arora for preparing the file of A-Pharma in the name of Suraj Kumar. The retail license of A-One chemist was prepared in the name of Preeti Devi, who is the wife of accused Santosh Prashad @ Dr. Rajesh.

(xi) On the basis of above disclosure statement, Rajan Kumar *(petitioner in CRM-M-31064-2023)* was nominated as accused in this case and was arrested on 08.01.2023. On interrogation, he suffered disclosure statement on similar lines as of Rishi Kumar and also told that they had hired one Auto Rickshaw of Sumeet for the purpose of transporting the intoxicating tablets and that the same were received in Punjab from Manoj Kumar Sahu, owner of Bluepen Laboratories Pvt. Limited, on the basis of fake bills of other medicines, being used in daily routine. Said Rajan Kumar further disclosed that he along with Rishi Kumar and Santosh Prashad @ Dr. Rajesh had kept 10 to 15 boxes of intoxicating tablets in a house at Shiv Vihar, Uttam Nagar, Delhi taken as rent in his name. The said disclosure statement made by petitioner Rajan Kumar resulted into recovery of 15 boxes containing 3,56,800 intoxicating tablets containing Tramadol Hydrochloride, from the disclosed place, which were taken into possession as per rules.

(xii) During the course of further investigation, Manoj Kumar Sahu, owner of Bluepen Laboratories Pvt. Limited, was arrested on 14.02.2023 and recovery of 19,700 intoxicating tablets, 14,832 intoxicating capsules and 45,925 intoxicating injections were effected from him.

(xiii) The recovered intoxicating materials were sent for necessary analysis at FSL. Reports have been received and after concluding the investigation, final report under Section 173(2) Cr.P.C. has been filed qua accused Rajan Kumar, Nishant Sharma, Usman, Nitin Kumar Singh, Sanjeev Kumar Arora, Rishi Kumar and Manoj Kumar Sahu, though charges are yet to be framed. Co-accused Santosh Prashad @ Dr. Rajesh, Suraj Sharma, Vikrant Tomar, Nadeem Ahmed and Sumeet, are yet to be arrested.

Contentions on behalf of petitioner Rajiv @ Gaurav @ Mannu:

3. It is contended by Mr. B.S. Bhalla, Advocate, appearing on behalf of the petitioner Rajiv Kumar @ Gourav @ Mannu that he has been

arrested simply on the basis of disclosure statement of co-accused; and that no recovery except an amount of ₹29,000/- has been effected from him. It is urged that recovery of ₹29,000/- has no connection with the crime and that disclosure statement of co-accused is not admissible. It is also submitted that petitioner is not involved in any other case pertaining to NDPS Act and so, he be allowed regular bail.

Contentions on behalf of petitioner Usman Rehman:

4. It is contended by Mr. Karanvir Singh Khehar, Advocate, appearing on behalf of petitioner Usman Rehman that he is partner of M/s Rapport Remedies and has been holding a valid drug manufacturing license, which was valid upto 22.08.2021. Drug retention fee was deposited with competent authority and so, the license granted to the firm is deemed to be valid and in force for another 5 years i.e., upto 22.08.2026. Still further, it is contended that drug licensing and controlling authority of Uttrakhand canceled the drug license of the firm of the petitioner on 20.10.2022, regarding which letter was received by him on 10.11.2022 and thereafter, no drugs/medicines were manufactured. Ld. counsel has further drawn attention towards spot inspection memo dated 24.12.2022 of firm M/s Rapport Remedies so as to contend that at the time of inspection, neither physical stock of dosage containing Tramadol Hydrochloride as active ingredient was found nor there was any raw material stock of Tramadol Hydrochloride on the date of inspection. Ld. counsel contends that recovery of 85,000 intoxicating capsules and that of 3,20,000 intoxicating tablets has been effected from the premises of Bluepen Laboratories Pvt. Limited and that the petitioner is sought to be falsely involved on the basis of this

recovery, on the allegation that the contraband purchased by Bluepen Laboratories Pvt. Limited had been manufactured by M/s Rapport Remedies, after cancellation of the manufacturing license. Ld. counsel contends that challan has already been filed; that petitioner is in custody for the last more than 7 months; that trial may take time and so, in all these circumstances, he be allowed bail.

Contentions on behalf of petitioner Nitin Kumar Singh:

5. On behalf of petitioner Nitin Kumar Singh, it is argued by Mr. Ashish Chopra, Sr. Advocate, assisted by Mr. Gagandeep Singh, that said petitioner has been arrayed being the competent person of M/s A-Pharma for obtaining the requisite license under the drug rules. Ld. counsel contends that petitioner possessed the requisite qualification to become a competent person and that he became so on the asking of one Sanjeev Kumar Arora, who was known to the petitioner. He did so for an amount of ₹3000/- per month for assigning himself as a competent person. During entire transaction, petitioner never had any occasion to interact with any Suraj Sharma and thus, it was on *bona fide* premise that petitioner trusted Sanjeev Kumar Arora while signing the documents. Submitting that neither any recovery has been effected from the petitioner nor he has any criminal antecedents, prayer is made for grant of regular bail.

Contentions on behalf of petitioner Sanjeev Kumar Arora:

6. On behalf of petitioner Sanjeev Kumar Arora, it is argued by Mr. Kartar Singh Malik (I), Advocate that name of the said petitioner is neither mentioned in the FIR nor he has played any role in the crime; that no recovery was effected from him; that the only role attributed to him is

that he (petitioner Sanjeev Kumar Arora) helped the co-accused in preparing the forged documents for license of M/s A-Pharma. Ld. counsel contends that as per allegations of the remand paper Section 120B IPC and Section 29 of the NDPS Act are attracted, but no offence under these sections are made out against the petitioner in the absence of any meeting of mind between petitioner and co-accused or any allegation of instigation or abetment. With these submissions, prayer is made to grant regular bail.

Contentions on behalf of petitioner Rajan Kumar:

7. On behalf of the petitioner Rajan Kumar, it is contended by Mr. Ishnoor Singh and Mr. Divyam Singh, Advocates that he has been nominated only on the basis of disclosure statement of the co-accused; that the entire story of the prosecution is false and frivolous with no direct or indirect evidence to implicate the petitioner; that petitioner is behind bars for a considerable period of time; that trial may take time to conclude and so, in all these circumstances, he be allowed regular bail.

8. Ld. counsels appearing for all the petitioners have submitted that challan has already been filed and charges are yet to be framed; that trial is likely to take time to conclude and so, having regard to custody period of the petitioners, they be released on regular bail.

Reply by State Counsel:

9. Ld. State counsel has strenuously opposed all the bail petitions by pointing out that huge quantity of contraband, falling in commercial category has been recovered and that all the petitioners are involved in running a big racket of manufacturing, marketing and selling intoxicating

drugs by using fake firms and by procuring fake drug licenses with fake identities of fake persons. Prayer is made for dismissal of all the petitions.

10. I have considered submissions of both the sides and have appraised the record carefully.

Rajeev Kumar @ Gourav @ Mannu:

11. As the investigation carried out by the investigating agency reveal, petitioner Rajeev Kumar @ Gourav @ Mannu was arrested, as his name was disclosed by accused Nishan Sharma, from whom recovery of 29,900 intoxicating tablets containing Tramadol Hydrochloride, on which Bluepen Laboratories Pvt. Limited and manufactured by Rapport Remedies, was written, were recovered and it emerged in the disclosure statement of said Nishan Sharma and later on also that of petitioner Rajiv Kumar @ Gourav @ Mannu that said Nishan Sharma had purchased the intoxicating tablets from Nadeem for handing over the same to the petitioner Rajiv Kumar. Earlier also, he had been supplying the contraband to Rajiv Kumar. The recovery of contraband from Nishan Sharma and the consequent arrest of petitioner Rajiv Kumar led to the recovery of ₹29,300/- as drug money from said Rajiv Kumar. Thus, *prima facie* petitioner was indulging in illegal trafficking of intoxicating tablets and was a regular purchaser of the same from Nishan Sharma, who used to purchase the same from Nadeem.

12. Having regard to the huge quantity of recovery of intoxicating tablets from Nishan Sharma, falling in the commercial category, and the *prima facie* evidence revealing the involvement of petitioner Rajiv Kumar @ Gourav @ Mannu, rigors of Section 37 of the NDPS Act are clearly

applicable in this case and so, this Court finds the case to be unfit to grant bail to the said petitioner.

Usman Rehman:

13. Coming to the case of petitioner Usman Rehman, he is the owner of M/s Rapport Remedies, Dehradun and the evidence collected by the investigating agency reveal that despite cancellation of his drug manufacturing license on 28.10.2022, regarding which petitioner had received information on 03.11.2022, he was regularly manufacturing the capsules/tablets containing Tramadol Hydrochloride substance therein. The recovery of 85,000 intoxicating capsules and 3,20,000 intoxicating tablets from the premises of Bluepen Laboratories Pvt. Limited, reveal that all those contraband capsules/tablets had been manufactured by Rapport Remedies after cancellation of the drug manufacturing license. Simply because no recovery of the contraband material was effected from the premises of Rapport Remedies on 24.12.2022 at the time of inspection of its premises, will not absolve the said Rapport Remedies owned by the petitioner, as the record produced by the petitioner of Rapport Remedies revealed the sale of contraband tablets/capsules, manufactured by the said M/s Rapport Remedies after the cancellation of the drug license, to Bluepen Laboratories Pvt. Limited. Not only this, the disclosure statement of said petitioner Usman Rehman also corroborated the earlier disclosure statement of co-accused Nishan Sharma to the effect that petitioner Usman Rehman was also selling the contraband drugs to Nadeem, who used to further supply the same to Rajiv Kumar @ Gourav @ Mannu and others. Not only this, as per his disclosure statement, it is at his instance that Nadeem also

used to sell the contraband drugs not only to Nishan Sharma but also to M/s A-Pharma, which has been found to be a fake firm. Apart from this, it is in the presence of petitioner Usman Rehman that premises of Bluepen Laboratories Pvt. Limited were inspected and recovery of 85,000 capsules and 3,20,000 tables containing Tramadol Hydrochloride, manufactured by M/s Rapport Remedies of the petitioner Usman Rehman, were recovered.

14. Having regard to the role attributed to the petitioner Usman Rehman, who clearly appears to be the king pin of the entire racket running the illegal trade of illicit drugs, but without commenting anything on the merits of the case, said petitioner is found to be not entitled for grant of regular bail.

Nitin Kumar Singh and Sanjeev Arora:

15. Coming to the case of petitioners Nitin Kumar Singh and Sanjeev Arora, their role is not as simple as is projected by their ld. respective counsels. Perusal of General Diary Report No.32 dated 31.12.2022 *(Annexure P2 in CWP-M-23126-2023)* would reveal that after obtaining the certified documents from the drug department of A-Pharma company, to whom the contraband drugs were being supplied by Bluepen Laboratories Pvt. Limited manufactured by Rapport Remedies, the documents revealed Suraj Sharma to be its owner and Nitin Kumar Singh to be its competent person. However, investigation revealed that there was no person in the name of Suraj Sharma residing at the address mentioned in his Aadhar card. Petitioner Nitin Kumar Singh despite being the competent person of A-Pharma, but ironically, did not know any person by the name of Suraj Sharma nor even identified his photograph affixed on the drug

license of the firm despite the fact that the documents revealed Suraj Sharma to be owner thereof and petitioner Nitin Kumar being the competent person of the said firm. Not only this, no medicine or any bill was found at the given address of A-Pharma, clearly indicating that the firm was fake and the firm name was being used just as a camouflage, so as to trade in the illicit drugs.

16. As per petitioner Nitin Kumar Singh, it is on the asking of Sanjeev Kumar Arora that he appended his signature on the relevant documents for obtaining license in the name of A Pharma, on being given ₹3000/- per month. Sanjeev Kumar Arora, who got prepared the documents for obtaining drug license in the name of A-Pharma, also did not know any person by the name of Suraj Sharma. Not only this, the interrogation of Sanjiv Kumar Arora revealed that he had also created another fake firm by the name of M/s A-One with its owner as Preeti Devi but on verification, the shop, the address of which was mentioned in the license of A-One was found to be closed and residential address of Preeti Devi was found to be fake.

17. Thus, the investigation *prima facie* revealed the involvement of both the petitioners Nitin Kumar Singh and Sanjeev Kumar Arora in creating fake firms, which used to sell intoxicating tablets in the States where the sale of illicit drugs is banned. As it appears that *prima facie*, it is Sanjeev Kumar Arora, who is the *de facto* owner of A-Pharma and A-One, which was dealing in the sale and purchase of contraband drugs and it is because of this involvement of two accused-petitioners Nitin Kumar Singh and Sanjeev Kumar Arora that Sections 27A and 29B of the NDPS Act and

Sections 420, 468, 471 and 120B/34 IPC were added. Commission of the said offences is writ large on file having regard to attribution to both of them.

18. Considering the aforesaid facts and circumstances and the specific role attributed to the two accused Nitin Kumar Singh and Sanjeev Kumar Arora, none of them are held to be entitled for grant of regular bail.

Rajan Kumar:

19. Coming to the case of petitioner Rajan Kumar, the disclosure statement of Nitin Kumar Singh, who being the competent person was running the show of fake firm A-Pharma, revealed that it is co-accused Rishi Kumar, who used to bring the intoxicating tables and the sale consideration. It is on that basis that Rishi Kumar was arrested on 07.01.2023 and drug money of ₹4 lakh was recovered from him. Disclosure statement of said Rishi Kumar revealed the involvement of petitioner Rajan Kumar and his distant brother-in-law Santosh Prashad @ Dr. Rajesh, who used to purchase the contraband drugs from Bluepen Laboratories Pvt. Limited and the consignments were being transported through Delhi by them. The said disclosure statement of Rishi Kumar led to the arrest of accused-petitioner Rajan Kumar on 08.01.2023 and his disclosure statement further led to the recovery of 3,56,800 intoxicating tablets from the rented premises of said Rajan Kumar on 11.01.2023.

20. In view of the aforesaid role attributed to the petitioner Rajan Kumar, leading the recovery of huge quantity of intoxicating tablets, falling in the category of commercial category, he is also held not to be entitled to the grant of regular bail.

21. As the entire facts and circumstances of the case would reveal, all the petitioners with their other co-accused are involved in running a racket of illicit drugs, which after being manufactured at Rapport Remedies are being marketed through Bluepen Laboratories Pvt. Limited and are being further sold to the fake firms created by Nitin Kumar Singh and Sanjeev Kumar Arora and the consignments are transported through Delhi and being further sold in various parts of Punjab.

22. Considering entire above discussion as above, but without commenting on the merits of the case, none of the petitioners are held entitled to the grant of regular bail. As such, all the 5 petitions are hereby dismissed.

A photocopy of this order be placed on the files of other connected cases.

(DEEPAK GUPTA)
JUDGE

23.08.2023
Vivek

1. Whether speaking/reasoned? ***Yes****/No*
2. Whether reportable? *Yes/No*