

CRM-M-22648-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-22648-2023 (O & M)
Date of decision: 22.09.2023

GAURAV ARORA

...Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. R.S.Cheema, Sr. Advocate with
Mr. Sonpreet S.Brar, Advocate,
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

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

2. Learned Senior Counsel for the petitioner submits that the petitioner's company i.e. M/s Neutec Healthcare Private Limited, New Delhi, is a licensed drug manufacturer; that the petitioner has no role to play in the present case as he was having all the valid licences to run the business, and that the alleged recovered manufactured drugs had been sold to licensed wholesale retailers/chemists. It is further submitted that initially, co-accused, namely, Satpal @ Satia and Kuldeep were arrested and on their disclosure statements, co-accused Pritam was indicted in the present case. It is further submitted that in his disclosure statement, Pritam nominated Rajender @ Raju, who in turn had nominated Mahipal @ Bana.

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It is further submitted that on the disclosure statement of Mahipal @ Bana, Prem Rattan was indicted in the present case and that the petitioner has been nominated on his confessional statement and the disclosure statement of Prem Rattan and except for the same, there is no other evidence against the petitioner.

3. Learned Senior Counsel for the petitioner further contends that the petitioner has been in custody since 22.07.2021; that charges have not been framed yet; that as many as 16 witnesses have been cited by the prosecution, and that co-accused, namely, Kuldeep, Rajender @ Raju, Mahipal @ Baba and Prem Rattan have since been granted the concession of regular bail. So far as other cases registered or pending against the petitioner, are concerned, he has been released on bail therein.

4. On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that on 22.07.2021, the petitioner was arrested, who suffered the confessional statement that he had sold 37 boxes of Alprazolam Tablets and 5 boxes of Tramadol tablets to co-accused Prem Rattan, owner of Shri Nath Medical Agency, Jaipur. It is further submitted that extent of intoxicating tablets recovered in the present case, falls under commercial quantity and Section 37 bars the grant of bail to the accused in case of commercial quantity. It is further submitted that prosecution witnesses are yet to be examined and that the petitioner is a habitual offender.

5. I have heard the learned counsel for the parties.

6. The petitioner's company i.e. M/s Neutec Healthcare Private Limited, New Delhi, is a licensed drug manufacturer. Indisputably, the

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petitioner was not named in the FIR. He has been indicted on his confessional statement and the disclosure statement of co-accused, Prem Rattan, who has since been granted the concession of regular bail. In addition, co-accused, namely, Kuldeep, Rajender @ Raju and Mahipal @ Baba have since been released on bail.

7. The petitioner has been in custody since 22.07.2021. Charges have not been framed yet. Trial is unlikely to conclude any time soon. So far as other cases registered or pending against the petitioner, are concerned, he has been released on bail therein. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

8. In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

22.09.2023

parveen kumar

**(HARNARESH SINGH GILL)
JUDGE**

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No