

Neutral Citation No. 2023:PHHC:159214

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

Reserved on: December 07, 2023  
Date of Decision: December 12, 2023

CRM-M-45556-2023

Rashid

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA**

**Present:-** Mr. Aditya Sanghi, Advocate for the petitioner.

Mr. R.S. Khaira, DAG, Punjab.

**DEEPAK GUPTA, J.**

By way of this petition filed under Section 439 Cr.P.C., petitioner prays for grant of regular bail in case FIR No.0007 dated 18.01.2023, under Sections 22, 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act No.61 of 1985 (hereinafter referred as 'the NDPS Act'), registered at Police Station Barnala, District Barnala.

2. As per prosecution allegations, 1,40,000 tablets of Tramwel SR-100 containing the salt of Tramadol hydrochloride; and 10,000 intoxicant lose tablets containing salt of Alprazolam were recovered from the possession of co-accused Babbu and Mandeep Singh on 18.01.2023. In the disclosure statement, they nominated Rajni Kaur to have supplied the contraband to them. Said Rajni Kaur was arrested on 05.05.2023 and during her interrogation, she disclosed that she had gone to the Court Complex, Barnala at the time of appearance of her husband Major Singh, who is lodged in District Jail, Barnala, where she met Rashid (petitioner), who had earlier remained in the District Jail, Barnala in a drug case with

her husband Major Singh, and who was presently on bail. Said Rashid asked her to take the intoxicating tablets from him at low rate, so as to sell them and give him money later. Rajni Kaur agreed for the same. Rashid (petitioner) also provided a mobile number to her, asking her to contact him on the WhatsApp number of that mobile, as and when she required intoxicating tablets. Rajni Kaur further disclosed that she had ordered the intoxicating tablets from the petitioner and used to give money to him. Based on this disclosure statement made by Rajni Kaur, petitioner Rashid was nominated as accused on 06.05.2023. Thus, as per prosecution version, it is the present petitioner Rashid from whom Rajni Kaur used to procure the contraband and then used to supply the same to co-accused Babbu and Mandeep, from whom the recovery was effected.

3.            It is contended by learned counsel that the petitioner has been falsely implicated; that petitioner is in custody since 06.07.2023; that after conclusion of investigation, challan has already been filed; that the petitioner is involved in 04 other cases, but has been falsely implicated in those cases also on the basis of disclosure statements of co-accused and so, he be granted the benefit of regular bail.

4.            Strongly opposing the bail petition, learned State counsel though concedes that no recovery was effected from the petitioner in the present case, but attention is drawn towards the quantity of the contraband recovered from co-accused, which falls in the commercial category and the fact that petitioner is involved in 04 other cases of similar nature, which shows his regular involvement in the supply of the contraband to others. Prayer is made for rejecting the bail petition.

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

6. As per custody certificate placed on record, petitioner is involved in following cases:-

| Sr. No. | FIR No. | Date       | Under Section(s)              | Police Station |
|---------|---------|------------|-------------------------------|----------------|
| 1       | 194     | 07.05.2023 | 22 and 29 of NDPS Act         | City Barnala   |
| 2       | 580     | 17.12.2022 | 21, 22 and 29 of the NDPS Act | City Barnala   |
| 3       | 57      | 06.05.2023 | 22, 29 and 25 of the NDPS Act | Tapa           |
| 4       | 15      | 30.03.2021 | 22, 25 and 29 of the NDPS Act | Thuliwala      |

7. Although, petitioner is stated to be on bail in cases mentioned at Sr. Nos.1, 3 and 4, but that in itself does not make the petitioner entitled for bail. As per the petitioner’s own contention of the petitioner, in one of the case arising out of FIR No.580 of 17.12.2022, recovery of 920 tablets of Alprazolam was shown to be effected from him, though in the other cases, he is stated to have been nominated on the basis of disclosure statements. Thus, petitioner appears to be a regular supplier of the contraband to the other persons. The trial is yet to commence. Petitioner has been in custody for the last 05 months and 03 days only, as evident from the custody certificate.

8. Having regard to all the aforesaid facts and circumstances, but without commenting anything on the merits of the case, this Court is not inclined to grant regular bail to the petitioner.

As such, the petition is dismissed.

December 12, 2023  
sarita

(DEEPAK GUPTA)  
JUDGE

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