

CRM-M-6075-2024

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## IN THE HIGH COURT OF PUNJAB &amp; HARYANA AT CHANDIGARH

CRM-M-6075-2024

Date of decision : February 05, 2024

Chandra Kant Gupta

....Petitioner

VERSUS

State of Punjab

....Respondent

**CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present : Mr. Ashish Gupta, Advocate, for the petitioner  
Mr. Digvijay Nagpal, AAG, Punjab

**KULDEEP TIWARI, J. (ORAL)**

1. The petitioner having apprehension to be arrested in case FIR No. 140 dated 4.12.2023, under Sections 22(C), 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short, the NDPS Act), registered at Police Station Division D, District Police Commissionerate Amritsar, District Amritsar, has filed the instant petition seeking grant of anticipatory bail.

***SUBMISSIONS BY LEARNED COUNSEL FOR THE PETITIONER***

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the instant FIR, on the basis of disclosure statement suffered by the co-accused, and except the disclosure statement, there is nothing with the prosecution agency to connect the present petitioner with the alleged crime, therefore, he may be extended the benefit of pre-arrest bail.

***SUBMISSIONS BY LEARNED STATE COUNSEL***

3. Per-contra, the learned State counsel opposed the asked for relief, on the ground that it is a huge racket involving inter-State

transactions of narcotic and psychotropic substance, and, the petitioner is involved in three other cases under the NDPS Act, and three cases under other criminal offences, therefore, the petitioner being a habitual offender, is not entitled to, asked for relief of pre-arrest bail. He further submits that the custodial interrogation of the petitioner is required to ascertain the further link in the chain of crime.

### ***BRIEF FACTS OF THE CASE***

4. The prosecution agency was set into motion, on a secret information, that co-accused Prince Kumar, Baljinder Singh and one Major Singh, who is confined in Jail at Goindwal, are involved in the business of illegal smuggling of intoxicant material. On the basis of this secret information, a raid was conducted, and accused Prince Kumar and Baljinder Singh, were apprehended while coming on scooty-make Aactiva, bearing No. PB-02-DR-5058 and from their possession, 14500 intoxicant tablets of Tramadol marka “Clovedol 100 SR” were recovered. Thereupon, co-accused Baljinder Singh suffered a disclosure statement on dated 5.12.2023, that he is involved in transaction of these contrabands on the directions of one Major Singh, and he further disclosed that 10 boxes of intoxicant tablets have already been handed over to other co-accused namely Akash Singh. Thereupon, Akash Singh was arrayed as an accused in the instant FIR, and he was arrested on that very day i.e. 5.12.2023, and in his disclosure statement, he disclosed that he has

handed over 5 boxes of intoxicant tablets to other co-accused Mohar Singh, and thereupon, co-accused Mohar Singh was also arrested, who got recovered 2500 intoxicant tablets. Again in the disclosure statement of Akash Singh, name of one co-accused Surjit Singh figured out, and he was also arrested, and that Surjit Singh, in pursuance of disclosure statement got recovered 1000 intoxicant tablets. It is further transpired that one Gurpreet Singh, whose name figured out in the disclosure statements of the main accused Baljinder Singh, Prince Kumar and Major Singh. It is further revealed that, the entire racket of smuggling of intoxicant tablets is being done on the directions of Major Singh, confined in Goindwal Jail. It is further revealed that one-Gurpreet Singh was also arrested on dated 9.12.2023, and on his disclosure statement, he got recovered 400 intoxicant tablets, and the said Gurpreet Singh is indulged in the dealing of intoxicant substances in the area of Amritsar, with other co-accused namely Sachin etc. The entire transactions of the said drug money is done through an ICICI Bank account, which is in the name of the wife of one-Sachin, whose name has been disclosed by Gurpreet Singh. And it is further revealed that Sachin was turned out to be the person who is running an illegal Pharmaceutical Company, named Elichem Pharma, and the entire intoxicant tablets involved were supplied by the said Sachin to one Gurpreet Singh etc. Thereupon, Sachin was also arrested on the disclosure statement of Gurpreet Singh and Sachin further made disclosure

statement that he is running a illegal business of intoxicant tablets along with other co-accused, and further disclosed that the present petitioner Chandra Kant, and one Akash Kumar, are the ones who are covering the area of Agra. Though the said Akash Kumar has been arrested, and from his possession, 18000 intoxicant tablets were recovered. It is further revealed that in the disclosure statement of Gurpreet Singh, he has also named another co-accused Karanjit Singh, who is also involved in this racket, and presently co-accused Karanjit Singh, and the present petitioner-Chandra Kant could not be arrested.

5. Further during the investigation, it was disclosed that, co-accused Major Singh has also named one-Rachpal Singh, and co-accused Sachin has further named one Yogesh alias Rinku, who are also involved in this racket. Yogesh alias Rinku is confined in Mansa Jail and is telephonically connected with co-accused Sachin. It is further revealed that co-accused Major Singh and Yogesh were behind the bars in jails and at the time of their arrest, one mobile phone each has been recovered from both of them, for which, separate FIRs have been registered against them. They are also involved in number of cases under the NDPS Act. Co-accused Sachin disclosed in his disclosure statement that he used to get the said Tramadol, Alprazolam tablets from one Gloss Pharmaceuticals Pvt. Ltd., Ahmedabad and when raid was conducted at the premises of said Gloss Pharmaceuticals Pvt. Ltd, it was found that the said

company has only supplied Tramadol and Alprazolam to the vague company of Sachin i.e. Elichem Pharma, which, during investigation found to be a forged company and Gloss Pharmaceuticals Pvt. Ltd. has been dealing with the said forged company inspite of having knowledge about it. Co-accused Rekha Vashist and Manish Vashist, owners of Gloss Pharmaceuticals Pvt. Ltd. have been arrayed as accused and during the raid at their factory, 11,90,400 intoxicant tablets, and 2,81,820 intoxicant capsules have been recovered. The name of present petitioner Chandra Kant, and co-accused Akash Kumar figured out in the disclosure statement of co-accused Sachin, who has been further named by co-accused Gurpreet Singh, and the present petitioner and co-accused Akash Kumar are solely incharge of the gang operating in smuggling of intoxicant tablets.

### ***ANALYSIS***

6. It has transpired from the investigation that it is a case of inter-State gang, who are dealing in narcotic and psychotropic substances. A huge recovery has been effected on the disclosure statements of co-accused persons, which, undisputedly falls within the category of heavy commercial quantity, therefore, attracts rigor of Section 37 of the NDPS Act. The contention of the learned counsel for the petitioner that, the name of the present petitioner only finds mention in the disclosure statement of the co-accused cannot be considered at this stage. For this view, this Court finds support from the judgment passed by the Hon'ble Supreme Court in

***“The State of Haryana vs Samarth Kumar,” 2022 LiveLaw (SC)***

**622**, wherein the Hon'ble Supreme Court has observed as under:-

*“7. The order of the Special Court granting regular bail to the respondents shows that the said order was passed in pursuance of the anticipatory bail granted by the High Court. Therefore, the same cannot be a ground to hold that the present appeals have become infructuous.*

*8. In cases of this nature, the respondents may be able to take advantage of the decision in Tofan Singh vs. State of Tamil Nadu (supra), perhaps at the time of arguing the regular bail application or at the time of final hearing after conclusion of the trial.*

*9. To grant anticipatory bail in a case of this nature is not really warranted. Therefore, we are of the view that the High Court fell into an error in granting anticipatory bail to the respondents.”*

7. Further, this Court refrains to grant the asked for relief of pre-arrest bail, considering the antecedents of the present petitioner, who is involved in more than three cases under the NDPS Act, and is also involved in three other criminal cases. Considering the above mentioned facts, and law laid down by the Hon'ble Supreme Court in the case of ***Samarth Kumar's*** case (supra), the present petition is, **dismissed**, being devoid of any merits.

**February 05, 2024**

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**( KULDEEP TIWARI )  
JUDGE**

*Whether speaking/reasoned ? Yes/No*  
*Whether Reportable ? Yes/No*