



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

Reserved on : May 22, 2024  
Pronounced on : May 24, 2024

CRM-M-8337-2024

Ajay Kumar ...Petitioner

Versus

State of Haryana ...Respondent

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

**Argued By:** - Mr. Anil Kumar Ranolia, Advocate for the petitioner.

Mr. Randhir Singh, Addl. A.G., Haryana.

**DEEPAK GUPTA, J.**

By way of this petition filed under Section 439 CrPC, petitioner prays for his release on regular bail in a case arising out of FIR No.265 dated 04.10.2022, under Sections 22-C of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') [Section 29 of the NDPS Act added later on], registered at Police Station BPTP, District Faridabad.

2. This is stated to be the second petition filed by the petitioner. The earlier petition bearing No.CRM-M-40799-2023 was dismissed as withdrawn vide order dated 08.02.2024 (*Annexure P-8*).

3. Status report by way of affidavit of Shri Aman Yadav, Asstt. Commissioner of Police Crime, Faridabad, has been filed on behalf of



respondent-State.

4.1 As per the prosecution version, on 04.10.2022, on the basis of secret information received by the police party, co-accused Rohit Chandila of village Badoli (Faridabad) was apprehended near California Society, Faridabad. A bag containing 16 boxes, with each box containing 100 Buprenorphine injections, i.e. 1600 injections of 2 ml. each, was recovered from him. Same were taken into possession after making necessary statutory compliances.

4.2 During interrogation, said co-accused Rohit Chandila suffered disclosure statement nominating one Manoj Tiwari @ Shaddab, who used to send the intoxicating injections to him through online courier from Patna. He also disclosed that said Manoj Tiwari @ Shaddab had sent him a courier of 1700 injections on 26.09.2022, received by him on 30.09.2022, out of which he had already sold 100 injections and that on the date of his apprehension, the remaining 1600 injections were recovered from him.

4.3 Based upon the said disclosure statement of co-accused Rohit Chandila, co-accused Manoj Tiwari @ Shaddab was arrested on 06.10.2022 from Panchkula. He suffered disclosure statement on interrogation, admitting to have sent courier containing 1700 injections of Buprenorphine to co-accused Rohit Chandila through Trackon Courier. He further disclosed that on his instructions, one Ajay Kumar (petitioner) had sent one more courier of Buprenorphine injections to Rohit Chandila



through Trackon Courier, which he was to be received in Faridabad. Said co-accused Manoj Tiwari @ Shaddab led the police party to the courier company at Faridabad, resulting into the recovery of a box containing 1492 intoxicating injections of Buprenorphine of 2 ml. each, which were meant to be delivered to Rohit Chandila and which had been booked by petitioner – Ajay Kumar through Trackon Courier from Patna to Faridabad. Statement of Raj Kumar Rana, the Branch Manager of Trackon Courier was recorded, who verified that consignment of the illegal contraband had been sent by petitioner – Ajay Kumar from Patna to Faridabad. Copy of the said statement is Annexure R-1. Said Raj Kumar Rana also provided copy of the receipt and consignment tracking report, revealing that it is the petitioner – Ajay Kumar, who had sent the contraband through a courier to Rohit Chandila. The copy of said consignment booking receipt and consignment Track report are Annexure R-2 (colly). Petitioner had also provided his identity proof such as Aadhar Card and Pan Card at the time of booking of the consignment.

4.4 Further prosecution case is that petitioner was arrested on 10.10.2022. On interrogation, he suffered disclosure statement and admitted his guilt to the effect that he used to dispatch contraband by booking parcel from Patna to co-accused Rohit Chandila at Faridabad.

4.5 The samples of the drugs, as earlier recovered from co-accused Rohit Chandila; and that as recovered at the instance of Manoj



Tiwari @ Shaddab, which had been booked by petitioner – Ajay Kumar, were sent to FSL. In both the samples parcels, Buprenorphine was detected.

5.1 It is contended by learned counsel that petitioner has been falsely implicated on the basis of false and fabricated disclosure statement Manoj Tiwari @ Shaddab; that petitioner was arrested from Motihari, Bihar on the allegations that he had sent the alleged intoxicating injections to co-accused Rohit Chandila through Trackon courier from Patna to Faridabad; and that petitioner even did not know co-accused Rohit Chandila. It is contended that petitioner is resident of Motihari, doing work of Medical Representative at East Champaran in Bihar and distributor of supplying the medicines in his area ever since 2012, having a license issued by the Licensing Authority (Drug Control Administration) East Champaran, Motihari, as well as GST registration certificate, copy of which is Annexure P-4. Learned counsel contends further the courier receipt, relied upon by the State does not bear the signatures of the petitioner, so as to connect him with the crime. It is contended that mobile phone number of the petitioner and copy of his identity documents have been misused by someone at the time of booking of the courier.

5.2 Learned counsel for the petitioner further contends that petitioner is in custody ever since 10.10.2022; that co-accused Manoj Tiwari @ Shaddab has already been allowed bail by this Court vide order



dated 21.07.2022 passed in CRM-M-30099-2023; that petitioner is not involved in any other case; and that trial may take long time to conclude.

6. Strongly opposing the bail petition, learned State counsel contends that petitioner is in the drug trade, who used to send the intoxicating tablets through the courier company to co-accused Rohit Chandila. Learned State counsel has drawn attention towards the courier receipt (Annexure R-2), clearly indicating that it is the petitioner, who had booked the courier in the name of co-accused Rohit Chandila. Even the mobile number of petitioner is duly mentioned on the courier receipt. The statement of Branch Manager of the Trackon Courier Pvt. Ltd. also shows that it is the petitioner, who had booked courier for co-accused. By drawing attention towards the fact that huge quantity of intoxicating contraband was booked by the petitioner through courier company, as has been recovered in this case, prayer is made for rejecting the bail petition. Learned State counsel also points out that bail petition of co-accused – Rohit Chandila has already been rejected by this Court vide order dated 01.04.2024 passed in CRM-M-63445-2023.

7. I have considered submissions of both the sides and have also appraised the record.

8. Petitioner is found to have booked a parcel containing 1492 intoxicating tablets of Buprenorphine from Patna for delivering the same to co-accused Rohit Chandila at Faridabad. The name of the petitioner



surfaced not only in the disclosure statement of co-accused Manoj Tiwari @ Shaddab, at whose instance, petitioner used to book the parcel, but even Raj Kumar Rana, Branch Manager of Trackon Courier confirmed that it is the petitioner, who used to book the parcel. The courier receipt (Annexure R-2) clearly indicates that it is the petitioner, who had booked the parcel through courier company in the name of co-accused – Rohit Chandila from Patna for delivering to Faridabad. No doubt that petitioner has been issued a license (copy Annexure P-4) to sell, stock or exhibit for sale or distribute the drugs as per license (Annexure P-4), but petitioner has failed to place on record any bill so as to show sale of the intoxicating tablets to Rohit Chandila, to whom he had sent the parcel.

9. Having noticed the aforesaid facts and circumstances and the huge quantity of intoxicating tablets as recovered in this case, which had been booked by the petitioner for co-accused – Rohit Chandila, but without commenting anything further on the merits of the case, this Court is not inclined to grant benefit of regular bail to the petitioner.

Dismissed.

May 24, 2024

Sarita

(DEEPAK GUPTA)  
JUDGE

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