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**(222) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M-59276-2023
Date of Decision: 25.07.2024**

TANURAG MANAV

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Sangram S. Saron, Advocate
for the petitioner.

Mr. Parveen Aggarwal, DAG, Haryana.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C is for the grant of regular bail in case bearing FIR No.83 dated 12.02.2022 (Annexure P-1) registered at P.S. Civil Lines, District Sirsa under Sections 22(c), 29, 27 of the NDPS Act, 1985 and Sections 18(c) and 18-A of the Drugs and Cosmetics Act, 1940.

2. The brief facts of the case are that while the police party was on patrolling duty, one white colour car was seen coming and the driver of the car on seeing the police vehicle tried to reverse the car through a vacant plot. The car was stopped and the driver disclosed his name as Tanurag Manav (petitioner) son of Rajender. On the search of the car, the following substances came to be recovered; (i) 19000 tablets of Tramadol (ii) 1200 tablets of Tramadol (iii) 480 tablets of Alprazolam (iv) 15 injections of

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Tramadol and (v) 250 tablets of Misoprostol (not a prohibited drug under NDPS).

Pursuant to the registration of the instant FIR, the disclosure statement of Tanurag Manav was recorded to the effect that he had purchased the recovered tablets and injections from his cousin Vinod Kumar son of Mohan Lal. He disclosed that he had sold 21 strips of Tramadol to Krishan Kumar son of Raj Kumar, 250 tablets of Tramadol and 600 tablets of Alprazolam to Yogesh, 01 box of Alprazolam and two abortion kits to Dr. Vijay alias Tolu Ram (granted bail vide order dated 24.08.2023 passed in CRM-M-33097-2023) son of Sewa Ram. He further got recorded his disclosure statement that he had supplied 200 intoxicating tablets to Dr. Dalbir Singh Kamboj son of Kashmir, 3 boxes of Alprazolam (1800 tablets) to Sunil Kumar son of Lal Chand. One box of Tramadol (550 tablets) to Dr. Ginder Kamboj son of Gurdayal Singh. One box of Tramadol and 10 boxes of Alprazolam to Sudesh Chimpa son of Sultan Singh. One box of Alprazolam (600 tablets) and one box (240 tablets) of Proxivon Spas to Vikash Sharma son of Suresh Sharma, 02 boxes of Alprazolam (1200 tablets) to Dr. Chiman Lal Chauhan son of Puran Chand, 200 tablets Tramadol to Sandeep son of Devi Lal, 200 intoxicating tablets to Sushil Kumar son of Devi Lal. 240 Alprex tablets to Dr. Raj Kumar son of Raghubir Singh. One box of Tramadol (600 tablets) to Ravinder son of Dalip Singh, 200 tablets of Alprazolam to K.V. son of Raj Kumar, 250 tablets of Tramadol and 1250 tablets Alprex to Jassi alias Jaswant Singh, 250 tablets of Tramadol and 01 box (600 tablets) Alprazolam to Yogesh alias Kali contraband (as mentioned



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above) to Vijay @ Tolu Ram and 21 strips of intoxicating tablets of Tramadol to Krishan Kumar.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. There was violation of mandatory provisions of the Act regarding search and seizure including Sections 42 and 50. The petitioner was in custody since 12.02.2022 and only 01 out of the 39 prosecution witnesses had been examined so far. Therefore, the Trial of the present case was not likely to be concluded anytime soon. In one other case registered against the petitioner bearing FIR No.52 dated 12.02.2022, under Sections 22C/27A/61/65 NDPS Act, Police Station Ellenabad, he is on bail. He, therefore, prays that in view of the judgment of the Hon'ble Supreme Court in the case of Nitish Adhikary @ Bapan Versus The State of West Bengal, SLP (Crl.) Nos.5769/2022 arising out of judgment and order dated 04.05.2022 in CRM(NDPS) No.442/2022, decided on 01.08.2022 and Hasanujjaman & others Versus The State of West Bengal, SLP (Crl.) No.(s).3221/2023 arising out of impugned final judgment and order dated 29.11.2022 in CRM(NDPS) No.1323/2022, decided on 04.05.2023, the petitioner was entitled to the concession of bail moreso when the co-accused of the petitioner namely, Ravinder Kumar (granted bail), Sudesh Kumar (granted bail), Chiman Lal (granted bail), Krishan Kumar (granted bail), Sushil Kumar (granted bail), Dalbeer Chand (granted bail), Sandeep (granted bail) Raj Kumar (granted bail) and Vijay @ Tolu Ram (granted bail) have been granted the concession of regular bail/anticipatory bail.



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4. An additional affidavit by way of an affidavit of Jagat Singh, HPS, Deputy Superintendent of Police (HQ) Sirsa, District Sirsa has been filed on behalf of the State by the learned counsel for the State. The same is taken on record. He contends that the petitioner is an accused in one other case under the NDPS Act. Therefore, he was not entitled to the concession of bail. He, however, concedes that the petitioner was in custody since 12.02.2022, only 01 out of the 39 prosecution witnesses had been examined so far and in one other case registered against him, he had been granted the concession of bail. The copy of the said order dated 15.09.2022 is marked as X.

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

6. The Hon'ble Supreme Court in the case of Nitish Adhikary @ Bapan Vs. The State of West Bengal SLP (Crl.) Nos.5769/2022 Decided on 01.08.2022 held as under:-

“As per the office report dated 29.07.2022, copy of the show cause notice along with Special Leave Petition was supplied to the Standing Counsel for the State of West Bengal and separate notice has been served on the State also. However, no one has entered appearance on their behalf.

The petitioner seeks enlargement on bail in F.I.R. No. 612 of 2020 dated 17.10.2020 filed under Section 21(c) and 37 of the NDPS 2 Act, registered at Police Station Bongaon, West Bengal.

During the course of the hearing, we are informed that the petitioner has undergone custody for a period of 01 year and 07 months as on 09.06.2022. The trial is at a



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***preliminary stage, as only one witness has been examined.
The petitioner does not have any criminal antecedents.***

Taking into consideration the period of sentence undergone by the petitioner and all the attending circumstances but without expressing any views in the merits of the case, we are inclined to grant bail to the petitioner.

The petitioner is accordingly, directed to be released on bail subject to him furnishing bail bonds to the satisfaction of the Trial Court.

The Special Leave Petition is disposed of on the aforestated terms.

Pending application(s), if any, shall stand disposed of.”

7. In **Hasanujjaman & others Versus The State of West Bengal, SLP (Crl.) No.(s).3221/2023, decided on 04.05.2023,** held as under:-

“1. There are three petitioners in this Special Leave Petition, who were accused of committing an offence under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, ‘NDPS Act’) in FIR No.18/2022, dated 09.01.2022, registered at Police Station Islampur, District Murshidabad, West Bengal.

*2. The allegations are that when the police party intercepted the petitioners along with another person riding on two motorcycles, they were found in possession of codeine phosphate in a consignment of phensedyl bottles loaded in two nylon bags. During the search, 115 bottles (100 ml. each) of phensedyl were recovered from the joint possession of the petitioners. **They were arrested on the spot and have been in custody for more than one year and four months.***

3. We have heard learned counsel for the parties and carefully perused the record.



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4. *The investigation is complete; chargesheet has been filed, though the charges are yet to be framed. The conclusion of trial will, thus, take some reasonable time, regardless of the direction issued by the High Court to conclude the same within one year from the date of framing of charges. The petitioners do not have any criminal antecedents. There is, thus, substantial compliance of Section 37 of the NDPS Act.*

5. *In such circumstances, but without expressing any views on the merits of the case, we deem it appropriate to release the petitioners on bail subject to the terms and conditions as may be imposed by the Trial Court.*

6. *Additionally, it is clarified that in case the petitioners are found involved in any other case under the NDPS Act or other penal law, it shall amount to misuse of the concession of bail granted to them today, and in such a case, necessary consequences shall follow.*

7. *The petitioners are further directed to appear before the Trial Court regularly. In the event of they being absent, it shall again be taken as a misuse of concession of bail.*

8. *The Special Leave Petition stands disposed of in the above terms.*

9. *As a result, pending interlocutory application also stands disposed of.*

(emphasis supplied)

8. Admittedly, in ‘Nitish Adhikary @ Bapan’ (supra) and ‘Hasanujjaman & others’ (supra), the accused therein had been granted the concession of bail by the Hon’ble Supreme Court after they had undergone approximately one and a half years of custody. They were also first-time offenders as is borne out from the orders.

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9. In the present case, the petitioner has undergone almost two and a half years of custody. In the one other case registered against him, he has been granted the concession of bail. In view of the fact that the petitioner has undergone a substantial period of custody, the rigors of Section 37 of the NDPS Act can be diluted to an extent in view of the salutary provisions of Article 21 of the Constitution of India which provides for the right to a speedy trial and the case of the petitioner can be considered for the grant of bail.

10. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Tanurag Manav son of Rajender is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

11. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the cases mentioned in this order.

12. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.2,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

13. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

25.07.2024

JITESH

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