

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-63445 of 2023
Reserved on: 20.03.2024
Pronounced on: 01.04.2024**

Rohit Chandila

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Raj Kumar, Advocate for the petitioner.

Mr. Sumit Jain, Addl. AG, Haryana.

DEEPAK GUPTA, J.

By way of present petition filed under Section 439 Cr.P.C., petitioner prays for his release on regular bail in case FIR No.265 dated 04.10.2022 registered under Section 22 (c) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') and (offence under Section 29 of the NDPS Act, 1985 added later on) at Police Station BPTP, District Faridabad.

2. This is second petition filed by the petitioner seeking regular bail. The earlier petition bearing CRM-M-38310 of 2023 was dismissed as withdrawn vide order dated 09.10.2023 (Annexure P14).

3. As per prosecution version, on 04.10.2022, secret information was received by the Police Party to the effect that Rohit Chandila (petitioner) of Village Badoli (Faridabad) used to indulge in illegal trade of drugs and contraband injections and on that day, he was coming towards California Society, Faridabad to deliver/ sell the injections and if intercepted, he could be apprehended with the contraband. Compliance of Section 42 of the NDPS Act was made. A police team reached the disclosed place and nabbed the petitioner, who was on a Scooty. In compliance of Section 50 of

the NDPS Act, option was given to the petitioner and as per option exercised by him, who opted to be searched in the presence of some Gazetted Officer, Shri Kartar Singh Dalal, Assistant Engineer, Municipal Corporation, Faridabad was called, who reached the spot. Under his supervision, search was effected and petitioner was found to be in possession of a plastic bag containing a khakhi coloured box duly taped. The bag contained 16 more small boxes and each of the box was containing 100 Buprenorphine Injections. Thus, total 1600 injections of 2 ml each of Buprenorphine were found. Petitioner could not furnish any licence or permit to be in possession of the said contraband/drugs. The concerned Drug Inspector confirmed that the recovered injections were the contraband. The same were duly seized.

4. FIR was registered. Compliance of Sections 55 and 57 of the NDPS Act was done. Later on, the recovered contraband along with accused were produced before learned Area Magistrate and inventory as prepared by the Investigating Officer was duly certified by the Magistrate. On interrogation, the petitioner suffered disclosure statement (Annexure R1), as per which he was in contact with one Manoj Tiwari, who was working in the medicine supply in Delhi and who had told him to sell drug injections in Delhi as the same had huge profit margin. Said Manoj Tiwari also told him that he will send the boxes of Buprenorphine Injections through online courier from Patna. Petitioner also disclosed that he had once gone to Patna to make payment for the drug injections and had seen the Medical Store and house of Manoj Tiwari. He had been given a QR Code, through which he had started making online payment for the afore-said injections. The said QR Code was in the name of Sarfaraz Rafiki. Petitioner disclosed further that Manoj Tiwari had sent him the courier of 1700 injections on 26.09.2022, which he received on 30.09.2022 at his home in Badoli,

Faridabad, out of which he had already sold 100 injections and on that day, when he was arrested, he was going to deliver the remaining injections.

5. Based upon the above-said disclosure statement, co-accused Manoj Tiwari @ Shadab was arrested on 06.10.2022 from Panchkula. On interrogation, said co-accused suffered disclosure statement, admitting to have sent courier containing 1700 injections of contraband drug Buprenorphine to the petitioner – Rohit Chandila through Trackon Courier. The said co-accused further disclosed that on his instructions, another co-accused Ajay Kumar had sent one more courier containing the Buprenorphine contraband drugs to the petitioner- Rohit Chandila through Trackon Courier, which he was to receive in Faridabad. Said Shadab told the Police that he could get the courier containing the drugs recovered from the Courier Company. Said co-accused Shadab led the police party to the Courier Company at Faridabad and got recovered the box containing 1492 contraband drugs injections of Buprenorphine of 2 ML each, which were meant to be delivered to the petitioner. Thereafter, co-accused Ajay Kumar was arrested on 10.10.2022 and his disclosure statement was recorded.

6. It is contended by learned counsel that the petitioner has been falsely implicated; that on 03.10.2022, petitioner alongwith his acquaintances Vijay and Mohit c/o Rohilla Medical Agency, Badhana Chowk, Faridabad were standing with some medicines brought by Mohit near California Society, Faridabad, when at about 8:00 PM, all three of them were abducted by CIA officials, Badarpur, as is clear from CCTV footage contained in a pen drive. On the next day, i.e. 04.10.2022, the medicines of Mohit were implanted upon the petitioner, whereas Mohit and Vijay were let off by the CIA officials after greasing of their palms. Learned counsel contends that the petitioner was running his medical shop under the name

and style of “Nirmal Pharmacy”, having a drug licence; that on 04.10.2022, he was tortured in the police custody and pressurised to bring money. He was made to call from his mobile to Manoj Tiwari and money was transferred through mobile of a man associated with the police party. The mobile of the petitioner was frequently used by the Police officials, as is evident from the video footage (Annexure P.7). One Sanjay Kumar, associated with the raiding party sent message and forced the petitioner to communicate with Manoj Tiwari, who gave scan code of Sarfraz, on which the money was transferred by the petitioner in the Police custody on 05.10.2023 as is evident from the screen-shot (Annexure P.8). Learned counsel for the petitioner further contends that co-accused Shadab alias Manoj Tiwari was working as a Sales Manager in a Medicine Company and since petitioner was running the medicine shop, so, he used to buy medicines through said Shadab alias Manoj Tiwari. Learned counsel contends further that the petitioner has never been involved in any such activity; that he is running his medicine shop in a legal manner under a licence; that trial may take time to conclude; and so, in all these circumstances, he be allowed bail.

7. Strongly opposing the petition, learned State Counsel by drawing attention to the reply filed by the respondents, contended that the petitioner was indulging in the illegal trade of drugs/ intoxicating injections along with co-accused Shadab and Ajay Kumar; that CCTV footage as relied by the petitioner was examined and the same has been produced by misleading the Court as said footage is fuzzy/hazy and blurry. No incident as alleged by the petitioner is visible in the footage nor any such incident took place on 03.10.2022. Learned State Counsel submits further that the drug licences (Annexures P.5 and P.6) relied by the petitioner are in the name of “Nirmal Pharmacy” and no document is produced to show that the

petitioner is the proprietor of said “Nirmal Pharmacy”. Any torture to the petitioner during police custody is denied. It is contended that in fact, the petitioner was asked by the Police party to make WhatsApp call and to talk with co-accused Manoj Tiwari alias Shadab in order to trace the location of the said co-accused. Petitioner was asked to tell the co-accused to send some more contraband. Co-accused Manoj Tiwari alias Shadab sent a QR Code in the name of Sarfaraz Rafiki to the petitioner. Petitioner was then asked to send money on the said QR Code and it is the Police, who transferred an amount of ₹10,000/- from the mobile number of a secret informer.

8. Learned State Counsel contends further that the contention of the petitioner is to the effect that he was pressurised by the Police to bring money, is absolutely not tenable because the money was transferred to QR Code in the name of Sarfaraz Rafiki as advised by the co-accused Manoj. By drawing attention towards the huge quantity of contraband as has been recovered from the petitioner and also the fact that apart from 1600 injections recovered from the petitioner, 1492 more injections were found to have been booked in the name of the petitioner to be delivered to him through Courier Company, learned State Counsel contends that the entire evidence as collected during investigation clearly shows that the petitioner with co-accused was indulging in the drug trafficking and, so he does not deserve to be granted the bail.

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

10. Huge recovery of contraband, falling in the commercial category has been effected from the petitioner. As the evidence collected during investigation would reveal that the petitioner used to indulge in the

illegal trade of contraband drugs, which he used to get through the Courier Company from co-accused Manoj alias Shadab. As per the status report, even 1492 intoxicating injections of Buprenorphine were booked in the name of petitioner for delivering to him at Faridabad, which were recovered from the Courier Company.

11. Having considered all the submissions and the nature of evidence collected against the petitioner and the nature & gravity of the offence but without commenting anything further on the merits of the case, this Court is not inclined to allow bail to the petitioner.

Dismissed.

April 01, 2024
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No