

2024:PHHC:165782



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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-62323-2024
DECIDED ON: 12.12.2024

SATPAL SINGHPETITIONER

VERSUS

STATE OF PUNJABRESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. J.S. Dhaliwal, Advocate for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 of BNSS, 2023 seeking anticipatory bail to the petitioner in FIR No.80 dated 22.10.2024, registered at Police Station Phool, District Bathinda, under Section 21(b) of NDPS Act, 1985 (Section 29 of NDPS added subsequently vide DDR No.19 dated 24.10.2024).

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“Copy of Statement "Statement of Ashutosh Garg Drug Inspector Bathinda 3 Son of Sh. Pardeep Kumar Resident of Narata Ram Gali Near Government Hospital Gangsar Jaito District Faridkot Age About 31 Years Mobile Number 98992-59554 Stated that I am a Drug Inspector at Bathinda 3 Today in connection with the checking of Medical Stores I was present at village Bhai Rupa and I was present under the bridge to conduct checking of Maan Medical Hall whose owner is Dilbagh Singh son of Darshan Singh resident of Patti Sajhi Bhairupa who has a license for retail sale of medicine whose license number on form 20 is 115457 and form 21 number is 115458 license date up to 23/4/2027 is valid. On the license of

the firm, it is written in the Specific Condition with a red stamp that this firm is prohibited to sell Tramadol tablets. Tramadol salt tablets were found during checking which bear brand Trekem-100 (Tramadol Hydrochloride Tablets) and 65 strips were recovered with 10 tablets in each strip. All tablets bear B.No. NT2486-MFG JUN 2024 EXP MAY 2026 MRP RS 220/10 TABS Manufactured by Jainsons Hoatdrcare Plot No 32 Sector -6 IIE, Pantnagar Distt U S.Nagar (Uttarakhand) 263153. There are 650 tablets. Apart from this there are other tablets of different brand of Tramawow-100 (Tramadol Hydrochloride Tablets) USP 100 mg whose 15 strips were recovered. Which contains 10 tablets in each strip. All strips bear B. No T241079 MFG JUL 2024 EXP JUN 2026 MRP RS 192.50 PER 10 TABS Manufactured by IKON Pharmachern Pvt Ltd E-2, Sara Industrial Estate Central Hope Town, Rampur, Selaqui. Dehradun- 248157 (Uttarakhand) they are total 150 tablets. Above mentioned both the mark tablets are 800 in number. According to their label, Tramadol Hydrochloride Tablets come under the NDPS Act and have been presented to you for further action. You wrote my statement, which is correct. SD/ Ashutosh Garg Drug Inspector Bathinda 3 correct/- Ranjit Singh ASI Police Station Phul Bathinda Date 22.10 2024 Police Proceedings - Today I ASI alongwith HC Gurtej Singh 1427/Bathinda HC Beant Singh 1221 Bathinda PHG Manjit Singh 22180 were on a Private Car on patrolling and search in connection with suspicious persons at the bus stand village of Harnam Singh Wala, then a call from Munshi police station was received that the drug inspector Ashutosh Garg, who is checking the Maan Medical Hall in the village of Bhairupa and asked me to reach the spot and thereafter I A.S.I alongwith fellow officials reached at Maan Medical Hall. The time was around 4:15 PM. Drug Inspector Ashutosh Garg was checking the medicines and during the checking 65 strips of the brand Trekem-100 (Tramadol Hydrochloride Tablets) were recovered. Each strip contains 10-10 tablets. All strips bear B. No. NT2486-MFG JUN 2024 EXP MAY 2026 MRP RS 220/10 TABS Manufactured by Jainsons Hoatdreare Plot No 32 Sector-6 IE, Pantnagar Distt. U.S.Nagar (Uttarakhand) 263153. Apart from this there are other tablets of different brand of Tramawow-100 (Tramadol Hydrochloride Tablets) USP 100 mg whose 15 strips were recovered. Which contains 10 tablets in each strip. All strips bear B. No T241079 MFG JUL 2024 EXP JUN 2026 MRP RS 192.50 PER 10 TABS Manufactured by IKON Pharmachern Pvt Ltd E-2, Sara Industrial Estate Central Hope Town, Rampur, Selaqui. Dehradun- 248157 (Uttarakhand) they are total 150 tablets. Above mentioned both the mark tablets are 800 in number. According to their label, Tramadol Hydrochloride Tablets come under the NDPS Act. The said tablets were produced before me ASI. Because the above tablets are of the brand I ASI put them in separate bags of cloth and tied the mouth with thread and sealed with my seal RS and sample seal was prepared separately. After use the seal was handed over to HC Gurtej Singh 1427/Bathinda.

Pulanda of intoxicating tablets bearing seal along with sample seal were taken in police custody vide recovery memo. Witnesses signed the memo. Personal search of Dilbagh Singh was conducted and currency notes of Rs. 400 were found from him. Regarding which search memo was also prepared. Dilbagh Singh put his signature in English and witnesses also signed the same. The said Dilbagh Singh has committed offence u/s 22B/61/85 NDPS Act by keeping 800 narcotic tablets in his possession. On which FIR on the basis of statement was sent via PHG Manjit Singh 22180 is sent to police station. The case be registered against Dilbagh Singh and number thereof be intimated. DCR should be notified. Special reports to be issued. I SI with fellow employees, are busy in investigation. At Maan Medical Hall Bhai Rupa AT- 05.30 pm Date- 22/10/2024, "Upon receipt, the case of the said crime is registered against the accused and the record is completed. DCR Bathinda is being notified via W/M. Copy of FIR and special reports are being forwarded to laga Magistrate and Senior Officers through PHG Kehar Singh 10913."

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner submits that the petitioner is falsely implicated in the present case on the basis of disclosure statement of main accused namely Dilbagh Singh from whom the alleged contraband was recovered. It is further submitted that the quantity of contraband involved in the present case falls under the category of Intermediate quantity/non-commercial quantity.

Notice of motion.

On behalf of the State

Mr. Jaspal Singh Guru, AAG Punjab, accepts notice on behalf of respondent/State and seeks dismissal of the instant petition, but could not corroborate the stand of the prosecution by putting forth any incriminating material against the petitioner.

4. **Analysis**

After carefully considering the submissions, particularly the fact that the recovery was not effected from the petitioner's possession and his name was disclosed by the main accused, Dilbagh Singh in his disclosure statement, I am of

the considered view that there is no valid or cogent reason to deny the concession of anticipatory bail to the present petitioner.

5. Decision

Hence, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.’

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

12.12.2024

Meenu	
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No