



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-1674-2025(O&M)
Judgment reserved on: 14.07.2025
Judgment pronounced on:21.07.2025

Dinesh BansalPetitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Gautam Dutt, Advocate and
Mr. Ribhav Singla, Advocate for the petitioner.

Mr. Manjinder Singh Bhullar, DAG, Punjab.

SANJAY VASHISTH, J.

1. Present petition has been filed under Section 483 of BNSS, seeking regular bail in case FIR No.0088 dated 13.06.2024, under Section 22-C of NDPS Act (Section 27-A of NDPS Act and Sections 465, 467, 468, 201 IPC were added lateron), registered at Police Station Special Task Force, SAS Nagar, District STF Wing.
2. While addressing arguments for the grant of bail, learned counsel submits that Complaint No. Drugs (10) Pb.2019/1784 was moved by the Joint Commissioner (Food and Drugs Administration), Punjab, to the



Chief of the Special Task Force (STF) for registration of a case under the NDPS Act/Rules on 06.09.2019. Despite this, the impugned FIR was registered much belatedly on 13.06.2024.

3. By referring to the inordinate delay, counsel submits that even the Special Task Force did not initially consider the allegations sufficient for registration of a criminal case under the NDPS Act, which casts doubt on the very basis of the FIR now registered against the petitioner.

4. Admittedly, petitioner is a wholesale license holder and a registered stockist of pharmaceutical drugs, including 'Tramadol' and 'Alprazolam'.

5. As per the allegations levelled by the prosecution, the petitioner, not being a manufacturer or producer of the said drugs, procured them through various entities, namely Digital Vision, Skincare Creation, and Neutic Health Care Pvt. Ltd., Delhi. The relevant records were summoned from the owners of these companies and now have been enclosed with the final report.

6. Referring to the documents appended by the petitioner as Annexure P-19, learned counsel reiterates and submits that after the receipt of stock, the same was transferred to the concerned firms as per the purchase orders. However, the allegation is that, out of a total of 26 transferee companies, in respect of 10 companies, some bills are disputed on the ground that the firms reflected in those bills do not, in fact, exist.



7. As of now, the allegation against the petitioner is that, being a registered and licensed stockist, he supplied some of the drugs for misuse—either directly to addicted individuals or to fictitious firms engaged in further distribution to the drug consumers. It is alleged that, after receiving unaccounted drugs from unidentified sources, the petitioner facilitated drug addicts/consumers in satisfying their addiction.

8. Broadly, the prosecution alleges that the petitioner, while holding a valid wholesale license, has misused the same by receiving and supplying drugs such as ‘Tramadol’ and ‘Alprazolam’ in unaccounted quantities to unauthorized or non-prescribed consumers in the society.

9. To counter the aforementioned allegation, Mr. Gautam Dutt, Advocate, submits that after registration of the FIR, investigation in the case has already been completed. However, during investigation, prosecution has failed to identify or record the statement of even a single recipient of the drugs in question. Therefore, such allegations are bald, unsubstantiated, and not supported by any documentary evidence.

10. In the absence of any such material or record with the prosecution, Mr. Gautam Dutt, Advocate, argues that even if the allegations are taken to be true at its face value—though they are seriously disputed—the petitioner could, at best, be prosecuted under the provisions of the Drugs and Cosmetics Act for violation of its provisions or rules thereunder. Petitioner is in custody since 10.07.2024. After completion of the investigation and submission of challan alongwith list of 44 prosecution



witnesses, charges have also been framed. Thus, prays for grant of regular bail.

11. On the other hand, learned State counsel refers to the status report dated 18.02.2025, wherein it has been stated that there is no firm by the name of M/s Public Medical Hall, Bathinda, in whose name M/s Zannet Pharma (the petitioner's firm) had raised four invoices of Clovidol 100 SR containing Tramadol, under which approximately 4,50,000 tablets/capsules were allegedly sold to the said firm.

12 During the pendency of present petition, in compliance with directions issued on 07.04.2025, an additional status report dated 04.05.2025 was filed by the respondent/State. Learned State counsel submits that petitioner had furnished certain demand orders, allegedly placed by the purchaser namely, M/s Public Medical Hall. However, according to the prosecution, the actual name of the entity is found to be M/s Public Medical Store, not "Hall" and on doing inquiry M/s Public Medical Store has denied of receiving of any such drug, which has been alleged by the prosecution.

13 Learned State counsel further refers to paragraph 5 of the status report, which lists 15–16 manufacturers along with the brand names of the tablets and the quantities purchased.

In response, it is submitted on behalf of the petitioner that the purchase records relating to all these tablets have already been seized by the investigating agency and no allegation has been levelled to suggest that the



petitioner fabricated or falsified these records. Moreover, there is no claim that the listed manufacturers do not exist.

14. Learned State counsel also relies upon paragraph 6 of the status report, which mentions ten firms that have allegedly denied receipt of the Tramadol tablets/capsules. The prosecution's primary contention is that out of 26 firms shown as recipients of the drugs, the supply made to ten of them appears to be fictitious.

15 I have heard the submissions of learned respective counsel and have gone through the petition, the status reports, and the documents appended thereto. Undoubtedly, the allegation against the petitioner is that tablets in large quantities, running in lakhs, were shown as delivered to the firms, which either do not exist or have no record of having received the drugs.

It is, however, almost an admitted position that these allegations are yet to be established by the prosecution through cogent evidence, which is likely to be largely documentary in nature.

16. The investigation stands concluded, and at this stage, no opinion or comments are required on the rival submissions made by either party, as any such observation may prejudice the case of one side or the other. There cannot be any doubt to anyone that prosecution in order to secure conviction, would definitely lead credible and admissible evidence.



17. However, for the limited purpose of considering the petitioner's plea for bail, it is relevant to note that no recovery of any contraband has been effected from the possession of the petitioner. Further, no manufacturer or recipient allegedly involved in the transaction has so far been arrayed as an accused in the ongoing trial. It is also being noticed that petitioner has already remained in custody for a period of over one year and present FIR is the first criminal case registered against him, and that the trial is yet to commence. Petitioner is not to be subjected to any interrogation at this stage because challan has already been filed, and charges have been framed. Process of recording of the statements of prosecution witnesses, who are 44 in total, has yet to commence, which is likely to take considerable time. Moreover, personal liberty of anyone, without proving of guilt, should not be curtailed in ordinary course for indefinite and uncertain period. This Court finds it appropriate to consider the prayer for grant of bail. Thus, prayer made in the present petition is accepted and petition is thus **allowed**.

Accordingly, petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the trial by taking its own independent view,



on the basis of the evidence, which would be available on record at the end of the trial, as expeditiously as possible in accordance with law.

It is further made clear that if in future petitioner is found indulged in similar kind of activities, prosecution would be at liberty to seek cancellation of bail in the present case.

Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

21 July, 2025
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Whether speaking/reasoned? ✓Yes/No
Whether reportable? ✓Yes/No