



CRM-M-2689-2025 (O&M)

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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****CRM-M-2689-2025 (O&M)****Reserved on : 16.10.2025****Pronounced on : 29.10.2025**

Patel Bharmal Bhai @Bharmalbhai

... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGHArgued by: Ms. Rupinder Kaur Thind, Advocate and
Ms. Tejasvi Luthra, Advocate for the petitioner.

Mr. K.D. Sachdeva, DAG Punjab.

SURYA PARTAP SINGH, J.

1. For the commission of offence punishable under Sections 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, hereinafter being referred to as 'NDPS Act' only, the FIR No.69 dated 12.08.2019 has been lodged in Police Station S.G.N. Dev Thermal Plant, District Bathinda. The petitioner is being prosecuted for the commission of abovementioned offence and he has been arrested. The petitioner is in custody and, therefore, craving for bail. This is first petition, filed by the petitioner, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

2. In nut-shell, the facts emerging from record are that the FIR of this case came into being on 12.08.2019, when a tip-off given to Constable Gurjiinderpal Singh was shared by him with Inspector Gurdeep Singh.

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According to abovementioned information, Sunil Kumar @Sonu S/o Rachhpal Kumar Aggarwal R/o Maurh Mandi, who was confined in Central Jail Bathinda in a case pertaining to FIR No.100 dated 11.07.2019, and that he had stored contraband of intoxicant tablets in the warehouse of some transport company in the area of Transport Nagar, Bathinda. According to prosecution, finding the information trustworthy, the production warrants of Sunil Kumar @Sonu was obtained, and his custody was taken over.

3. According to prosecution, during the course of interrogation, Sunil Kumar @Sonu had disclosed that 2,34,000 tablets make Tredol-100 (contained in 10 boxes) were kept in the premises of Kuthari Transport Bathinda. As per prosecution, in view of abovementioned information, when search in the store of Kuthari Transport Bathinda was conducted, 2,34,000 tablets of Tredol-100 were recovered. It is the case of the prosecution that pursuant to abovementioned recovery, the accused Sunil Kumar @Sonu was arrested in the present case also, and when the source, from where the abovementioned tablets were procured, was searched, it was found that the abovementioned intoxicant tablets were manufactured by 'Neutec Healthcare Pvt. Ltd. Delhi', and supplied to 'M/s Shri Shakti Medical Agency (Wholesale)', Deesa, District Banaskatha, Gujarat, who sent the same through Kuthari Transport. The prosecution has further alleged that the bilty with regard to transportation of abovementioned contraband was got issued by 'M/s Lifeline Medical Agency', which was registered in the name of Arvind Bhai and Mukesh Bhai.

4. It is the case of the prosecution that during the course of investigation, it was found that the accused Patel Bharmal Bhai

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@Bharmalbhai (petitioner), his brother Ramesh Bhai and the petitioners had connived with each other and made a chain for supply of intoxicating tablets to the accused Rakesh Kumar, Sunil Kumar and Varinder Kumar at Bathinda. As per prosecution, on the basis of abovementioned credible facts, Patel Bharmal Bhai @Bharmalbhai (petitioner) and his co-accused Ramesh Bhai were nominated and thereafter, arrested.

5. Heard.

6. It has been argued on behalf of petitioner that the petitioner is innocent having no nexus, whatsoever, with the commission of crime, and that, merely, on the basis of disclosure statement of accused, who was already in police custody, the petitioner has been roped-in, in the present case.

7. According to learned counsel for the petitioner, the name of the petitioner has not figured in the FIR and has only been nominated later on vide DDR No.20 dated 13.09.2019 after one month of the registration of FIR. As per learned counsel for the petitioner, the recovery of contraband has been effected from the possession of accused Sunil Kumar and the petitioner has no role in the same.

8. In addition to above, it has also been argued by learned counsel for the petitioner that 6-7 months prior to the alleged incident, the petitioner had closed his medical store, and he was not doing any business at the time of alleged supply of contraband. According to learned counsel for the petitioner, the petitioner has been falsely implicated in the present case, merely, on the allegation that he misused his drug license and in connivance



with his brother Ramesh Bhai purchased 2,34,000 tablets from 'Neutec Healthcare Pvt. Ltd., Delhi' and further in connivance with 'M/s Lifeline Medical Agency Dhanera' through its proprietors 'Arvind Bhai' and 'Mukesh Bhai', supplied the same to 'Sunil Kumar @Sonu'.

9. The learned counsel for the petitioner has also argued that in the present case, the entire prosecution case is based upon the plea that Sunil Kumar @Sonu was the consignee of the contraband, and that by virtue of order dated 04.08.2021, he has already been afforded the benefit of bail.

10. *Per contra*, the learned State Counsel has argued that the petitioner has direct nexus with the commission of crime being consigner of the contraband. According to learned State Counsel, the investigating agency during the course of investigation had tracked the source of manufacturing of intoxicant tablets and found that the tablets were manufactured by 'Neutec Healthcare Pvt. Ltd. Delhi', and that the Sales Manager of the abovementioned manufacturing company, namely Krishan Kumar Arora, on the basis of documents maintained in the company, disclosed to the police that the abovementioned tablets were supplied to 'M/s Shri Shakti Medical Agency (Wholesale)', Deesa, District Banaskatha, Gujarat.

11. According to learned State Counsel, on enquiry from Drug Inspector, it was revealed that the abovementioned firm was registered in the name of accused 'Patel Bharmal Bhai @Bharmalbai' (the petitioner), and its license was valid from 19.09.2016 to 18.09.2021. As per learned State Counsel, the Drug Inspector Chitrang Patel had also revealed that the abovementioned firm was not working for the last 06 months and the process for cancellation of its license was in progress.



12. The learned State Counsel has further contended that during the course of investigation, when the statement of an employee of Jaipur Golden Transport Company, namely Vipin Chander, was recorded, he disclosed that the abovementioned contraband was booked by 'Arvind Bhai' and 'Mukesh Bhai', the partners of firm 'M/s Lifeline Medical Agency'.

13. According to learned State Counsel, quite convincing evidence has been collected by the investigating agency with regard to involvement of petitioner in the commission of crime, and that in view of the fact that the recovered quantity of contraband is commercial quantity, rigors of Section 37 of NDPS Act are attracted in the present case.

14. The record has been perused carefully.

15. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration, before arriving at any decision with regard to present petition for bail. Those factors are: -

- i) that the petitioner has already suffered a lot of incarceration for being in custody for a period of more than 01 year and 01 month;
- ii) that the trial is not likely to be concluded in near future;
- iii) that the petitioner was not found in actual or conscious possession of contraband;
- iv) that as per prosecution story itself, the Drug Inspector examined by the prosecution had stated that at the time of alleged consignment, the petitioner was out of business in his chemist shop.



- v) that the benefit of bail has already been accorded to the recipient of consignment, i.e. 'Sunil Kumar @Sonu' by virtue of order dated 04.08.2021 and even co-accused Varinder Kumar has already been released on bail by virtue of order dated 28.07.2021.
- vi) that detention of the petitioner in judicial lockup is not likely to serve any purpose; and
- vii) that the petitioner was not found in conscious possession of contraband, and therefore qua petitioner rigors of Section 37 of NDPS Act are not applicable to the present case; and
- viii) that there is nothing on record to show that if released on bail, the petitioner may influence the witnesses.

16. With regard to the legal aspect involved in the instant case, it is relevant to mention that the Hon'ble Supreme Court in the case of "***Dataram versus State of Uttar Pradesh and another***", 2018(2) R.C.R. (Criminal) 131, has observed that "*a fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our*



society. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case”.

17. The principles laid down by the Hon’ble the Supreme Court of India in the case of **‘Satender Kumar Antil Vs. Central Bureau of Investigation and Another’**, 2022 LiveLaw (SC) 577, are also relevant in this case. In the abovementioned case, it has been observed that *“the rate of conviction in criminal cases in India is abysmally low. It appears to us that this factor weighs on the mind of the Court while deciding the bail applications in a negative sense. Courts tend to think that the possibility of a conviction being nearer to rarity, bail applications will have to be decided strictly, contrary to legal principles. We cannot mix up consideration of a bail application, which is not punitive in nature with that of a possible adjudication by way of trial. On the contrary, an ultimate acquittal with continued custody would be a case of grave injustice”.*

18. Therefore, to elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as mandated by Hon’ble Apex court in **“Balwinder Singh versus State of Punjab and Another”**, SLP (Crl.) No.8523/2024.



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19. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, it leads to the conclusion that the petitioner is entitled for the benefit of bail.

20. Accordingly, without commenting anything on the merits of the case, the present petition is hereby allowed. The petitioner is hereby ordered to be released on bail on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court, subject to the following conditions:-

- (i) that the petitioner 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 to disclose such facts to the Court or to any other authority.
- (ii) that the petitioner shall at the time of execution of bond, furnish the address to the Court concerned and shall notify the change in address to the trial Court, till the final disposal of the case; and
- (iii) that the petitioner shall not leave India without prior permission of the trial Court.

18. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to them shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

(SURYA PARTAP SINGH)
JUDGE

OCTOBER 29, 2025

Gaurav Thakur

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No