

2025:PHHC:102216



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

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CRM M-1702-2025

Date of Decision:07.08.2025

Asrar @ Asrar Ali

...Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Mohit Uppal, Advocate for the petitioner.
Mr. Rajiv Sidhu, Sr. DAG, Haryana.

N.S.SHEKHAWAT, J.

1. The petitioner has filed the instant petition under Section 483 of B.N.S.S., 2023 with a prayer to grant a regular bail in case FIR No.499 dated 06.12.2023 registered under Section 22(a), 22(b) and 20(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985, Sections 336, 420 of IPC, Sections 18(A), 18(C) of Drugs and Cosmetics Act 1940 and 15(2) and 15(3) of IMC Act at Police Station Chandhut, District Palwal, Haryana.
2. The FIR in the present case has been registered on the basis of the statement made by Pardeep Kumar and the same has been reproduced below:-

*“To, The Police Post Bagpur, Police Station Chand Hut,
District- Palwal. Sir, Today i.e. 06.12.2023 an
information was received from the office of CM (Chief
Minister) Flying Squad, Haryana that a medical store is*

getting run without holding any license, at village Bagpur Chowk, Near R.S Telecom, Mala Singh Farm Road and the person who is running that medical store also provides medical treatment as well as medicines to the patients; despite he is having no qualified or valid degree in this regard. Apart from that, he might have been possessed some drugs which are banned. On this credible information, I alongwith Sh. Narender Kumar MPHW PHC, Solda, and Sh. Sandeep Gahalwan DCO Palwal and with the help of some local police officials conducted an inspection of the aforesaid store. The second shop after R.S telecom in left side road at Bagpur chowk which leads towards Mala Singh Farm was having no description board outside it wherein medicines were stored. The person found present there told his name Niranjana S/o Sh. Chatar Singh, R/O village Falaida Bagpur, District Gotambudh Nagar, U.P; and currently resides at village Rajupur, Police Station Chand Hut. The person was asked to show his valid documents authorized to run the medical shop, on that he introduced himself as a doctor and admitted that he provides medical treatment to the patients. Although, he could not show any valid authorization under which he was licensed to provide medical treatment to the general public/patients. At the spot some medical equipment's which uses in medical treatment and different types of allopathic medicines were found there but pertaining to the same no any single bills were produced. During such inspection Sh. Sandeep Gahlan DCO Palwal has prepared a list showing 31 types of allopathic medicines which were kept in the shop have been seized in a carton box (gatta-petti). I have also prepared a list showing 34

types of allopathic medicines as well as some other medicines which sell in retails have been seized in one carton box (Gatta-box) and medical equipment which the doctor uses in medical treatment have been seized in another carton. At the same time some medicines which fall under narcotic - category which were kept there are as 3 types of capsules, 2 types of tablets and 2 types of injections i.e. (Proxywel Spas (600), Spasonof Plus (384), Spasonof Plus (16), Pandol-P (79), Acprade 0.5 (300), Penzin Fly (10), Tramadol Fix BP (9). Details of all these are described in separate list Annexure B. Narcotic drugs are prohibited to store without holding a valid licence and to sell without doctor's prescription. But Niranjana failed to show any license or records pertaining thereto. As keeping the aforesaid medicines or sale the same without license is an offence defined under NDPS Act. Therefore, the above named - Niranjana is found an accused of like running a medical store without obtaining a valid license, selling medicines without authorized doctor's prescription, providing medical treatment to the patients without having a qualified degree, using medical equipments for patients' treatment without any certified course, and most importantly for playing with the health of the general public without maintaining any record or by personating himself a doctor to them. A case is made out against him offences under section 15(2) & 15(3) of IMC ACT, and further offences under NDPS ACT. Thus, a legal action as per law may kindly be taken against Niranjana. Accused Niranjana is handed over to you. Annexures are. 1. Investigation Report URMP, 2. List of medicines and equipment Annexure A-3, 3. List of seized narcotic drugs

Annexure B-4, 4. Medicine's carton as per Annexure A, 5. Medicine's carton according to Annexure B. SD-Pardeep Kumar - Dr. Pardeep Kumar. MO P.H.C Solda, District Palwal. Ph. 9811989909, Dated 06.12.2023”.

3. Learned counsel for the petitioner contends that as per the case of the prosecution, the entire recovery was made from Niranjana Singh, co-accused and he was arrested by the police. He further contends that the petitioner was neither named in the FIR nor there was any averment, which may connect him with the commission of the crime in any manner. He further contends that in the present case, the mandatory provisions of Sections 55 and 57 of the NDPS Act were not followed by the police and even the recovery from the co-accused stood vitiated. Learned counsel further contends that the petitioner was arrested in the present case on 06.08.2024 and no recovery was effected from him. Even, the petitioner has been wrongly shown as supplier of Tramadol Hydrochloride, without any legally admissible evidence against him. Now after completion of investigation, the *challan* has been prepared by the police and the custody of the petitioner is not required.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that the petitioner was the main accused, who had supplied the contraband to Niranjana Singh and there is sufficient incriminating evidence against him.

5. I have heard learned counsel for the parties and perused the record.

6. The petitioner was arrayed as an accused in the present case on the basis of the disclosure statement made by Niranjana Singh, co-accused and the prosecution is yet to lead evidence with regard to the evidence collected against him, during the course of trial. The petitioner is sought to be in custody since 06.08.2024 and no recovery of any contraband was effected from him during investigation. Moreover, he was never involved in any other criminal case.

7. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned subject to the following conditions:-

(i) 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) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.

(v) *The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.*

(vi) *In case, the petitioner gets involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously and the prosecution shall be at liberty to move an appropriate application for cancellation of bail granted to the present petitioner.*

(vii) *The concerned Court may insist two heavy local surties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.*

(viii) *The petitioner shall report every 1st and 3rd Monday in English calander month before the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the Rojnamcha. In case, he does not report on every 1st and 3rd Monday before the concerned SHO, it shall be viewed seriously and the concession granted to him shall be liable to be cancelled and the State of Punjab shall be at liberty to move an appropriate application in this regard.*

07.08.2025
amit rana

(N.S.SHEKHAWAT)
JUDGE

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