



CRM-M-6130-2025

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

CRM-M-6130-2025

Decided on : 24.02.2025

Vishu Kumar @ Vishal

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Himanshu Pal, Advocate, for the petitioner
(through VC).
Mr. J.S. Arora, DAG, Punjab.

Rajesh Bhardwaj, J.

1. Prayer in the present petition is for grant of regular bail to the petitioner in a case FIR No.31 dated 20.02.2024, registered under Sections 22/25/27-A/29/61/85 of NDPS Act, at Police Station STF, SAS Nagar.

2. Succinctly facts of the case are that FIR in the present case was lodged on the basis of secret information received by the Police on 19.02.2024. ASI Surinder Kumar was present in his office and at about 11:00 p.m. in the night, it was informed that Mr. Vavinder Kumar DSP had called ASI Surinder Kumar and it was also told that an information had been received from informer that Sukhwhinder Singh @ Dhami and Jaspreet Singh @ Jas were involved in business of selling narcotic pills on large scale. It was informed that both of them were bringing narcotic pills from Saharanpur and supplying in the area of Amritsar and Tarn Taran. It was further informed that Sukhwinder Singh @ Dhami had also a godown/place in Police Line Tarn Taran near Green Avenue for storing the narcotic drugs. Both the persons mentioned above were bringing a consignment of large quantity of narcotic pills in their swift car and in case



of barricading near Beas river bridge, they could be arrested with this large quantity of drugs. Barricading was laid at the Beas river bridge and the with co-operation of team, search of the vehicle was started and the vehicle as informed by the secret informer was stopped at the barricade. On asking, the driver of the car disclosed his name as Sukhwinder Singh @ Dhami and person sitting next to him, disclosed his name as Jaspreet Singh @ Jas. The inmates of the car were informed about their right to be searched in the presence of gazetted officer. Thereafter, on search of the car, six corrugated cartons were recovered from the rear seat of the car and three corrugated cartons were recovered from the dickey of the car and thus, total nine corrugated cartons of narcotic pills were recovered. These cartons were consisting narcotic tablets and thus, total narcotic tablets recovered from their possession was four lacs tablets and Rs.1,00,000/- as drug money. Both of them failed to produce any licence regarding possession of the narcotic pills and thus, were arrested on the spot. During the investigation, complicity of number of accused surfaced. The involvement of firms and companies, which manufactured the medicine, also found. Name of the petitioner was also surfaced during the investigation and hence, he was also arrayed as an accused. He was arrested on 22.05.2024. The petitioner approached the Court of learned Judge, Special Court, Amritsar, praying for grant of regular bail. However, learned Court after hearing both the sides, finding no merit in the petition filed by the petitioner, dismissed the same vide order dated 12.09.2024. Hence, the petitioner has approached this Court by way of filing the present petition praying for grant of regular bail.

3. Learned counsel for the petitioner has vehemently contended



that the petitioner has been falsely and frivolously implicated in the present case. He has submitted that neither the petitioner was named in the FIR, nor there is any recovery effected from him. He has submitted that the petitioner belongs to a very poor family and he came to the acquaintance of co-accused Abhishek Chauhan in the year 2010. He submits that due to the poor condition of the petitioner, he started working in the medical store of Abhishek Chauhan and pursued his study till the year 2015. He has submitted that co-accused Abhishek Chauhan exploited the petitioner and thus, trapped him without his knowledge and intention. He submits that during investigation, co-accused Abhishek Chauhan was arrested and he made a disclosure statement on 23.05.2024. He submits that as per his disclosure statement, it is evident that the petitioner was implicated by him in this racket. It is submitted that the petitioner was an employee of Abhishek Chauhan on monthly salary of Rs.50,000/- as disclosed by him. He submits that the petitioner has no criminal antecedents. He submits that the petitioner cannot be made vicariously liable for the offence which has been alleged against the co-accused Abhishek Chauhan. He submits that in the facts and circumstances the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner. He submits that the petitioner is the co-accused in the business of intoxicant tablets by sending 1,18,80,000 tablets to Aster Pharma, Palgarh, Maharashtra. It is submitted that the medical agency which is involved in the present case is in the name of the petitioner. It is submitted that as per record, agreement of the shop in which the medical agency was started, is also in the name of the petitioner.



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It is further submitted that the investigation is complete and charges are framed. He submits that recovered contraband is a heavy commercial quantity and thus, provisions of Section 37 of the NDPS Act are attracted in this case. He submits that bail petition of the similar situated co-accused had already been declined by this Court or the same were allowed to be dismissed as withdrawn. He, thus, submits that the case being of serious nature, the petitioner has no case for the grant of bail.

5. The Court has heard counsel for the parties and perused the record with their able assistance. It is deciphered from the submissions made that a heavy commercial quantity was recovered by the Investigating Agency including the drug money. In all there are seven accused involved in the present case. The contention raised by counsel for the petitioner that the petitioner was just an employee of co-accused Abhishek Chauhan, who involved him in the present case without his knowledge, is totally a matter of evidence to be led by both the parties during the trial. Keeping in view the gravity of the offence and the stage of the trial, this Court finds that the petitioner does not deserve the concession of bail at this stage. Thus, finding no merit in the present case, the same is hereby dismissed.

6. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

24.02.2025

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Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No