

2025:PHHC:024406



106.

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

CRM-M-9706-2025

Date of decision: 19.02.2025

Vinit Chauhan

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Rahish A. Nagrath, Advocate and
Ms. Mehul Nagrath, Advocate, for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

Prayer in this petition filed, under Section 482 of BNSS, 2023 is for grant of anticipatory bail to the petitioner in case FIR No.207, dated 03.10.2023, under Sections 22, 27, 29 of NDPS Act, 1985 and Section 201 of IPC, registered at Police Station Samrala, District Ludhiana.

Learned counsel for the petitioner contends that the petitioner has no previous criminal antecedents and has been implicated solely based on information obtained during the interrogation of three co-accused, who were apprehended on suspicion and found in possession of 10000 tablets of tramadol. He submits that, according to the prosecution, the seized contraband bore batch numbers and other identifying details, indicating that it was manufactured by Yadav and Company, Dehradun. Upon enquiry by the Investigating Agency, Yadav and Company allegedly stated that the

consignment had been sold to the petitioner, who is purportedly a Chemist based in Saharanpur.

Learned counsel for the petitioner, however, argues that the petitioner was neither a registered Chemist at the time of alleged recovery nor is he one at present. Furthermore, the bill/cash memo, Annexure P-3, which purportedly evidences the sale of the contraband to the petitioner, is fraudulent, as the GST number mentioned therein does not belong to him.

Notice of motion.

On asking of the Court, Mr. H.S.Deol, Senior DAG, Punjab, accepts notice on behalf of respondent-State. Learned State counsel, on instructions from ASI Mukhtiar Singh, has strongly opposed the prayer and submissions made by the counsel for the petitioner. He has submitted that the petitioner is absconding, and warrants have already been issued to secure his presence before the trial Court for 21.02.2025. It has been still further contended that one of the arrested co-accused, was a close associate of the petitioner and had procured the recovered contraband – 10000 tablets of tramadol – which exceeds the threshold for ‘commercial quantity’ under the NDPS Act. Furthermore, the batch number and other identifying details on the contraband led the Investigating Agency to Yadav and Company, Dehradun, which confirmed that the entire consignment had been sold to the petitioner against proper invoices.

Learned State counsel has asserted that the custodial interrogation of the petitioner is essential to unearth the larger drug

trafficking network. He submits that the petitioner, based in Saharanpur, was responsible for dispatching the contraband to Punjab, a State already struggling with severe drug menace.

Having considered the rival submissions, this Court finds no merit in the present petition seeking anticipatory bail. Prima facie, the petitioner has been implicated in the present case involving a huge recovery of 10000 tablets of tramadol, which falls within the category of ‘commercial quantity’ under the NDPS Act.

Furthermore, the petitioner is absconding and warrants have already been issued to secure his presence before the trial Court.

Given the gravity of the allegations, the magnitude of the recovered contraband, and the necessity of custodial interrogation to investigate the wider drug network, no ground is made out for extending the extraordinary concession of anticipatory bail to the petitioner.

Present petition stands dismissed accordingly.

However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

February 19, 2025
sanjeev

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