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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-15440-2025(O&M)
Date of decision:-21.05.2025

JOGINDER SINGH AND ANOTHER

... Petitioners

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Dr. Anmol Rattan Sidhu, Sr., Advocate with
Mr. G.S. Ghuman, Advocate and
Mr. Pratham Sethi, Advocate for the petitioners.

Mr. Roshandeep Singh, AAG Punjab.

SANJIV BERRY, J.(ORAL)

1. Mr. Harpal Singh, Deputy Superintendent of Police, along with ASI Gulshan Kumar, Investigating Officer of the case, present in Court.
2. The instant petition has been preferred by the petitioners under 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
0004	04.01.2025	22 and 29 of NDPS Act	Special Task force, STF Wing, Punjab (P-1)

3. Arguments heard.



4. It is *inter alia* contended by learned Senior Counsel for the petitioners that the petitioners are innocent and have been falsely implicated in this case, they happens to be duly licensed manufacturers of medical formulation which they had validly supplied to M/s Gauri Ganesh Pharma vide bill dated 15.11.2024. He submits that in reply to the letter (Annexure P-3) issued by Deputy Superintendent of Police, Anti-Narcotics Task Force, Ludhiana Range, the petitioners Company had duly replied and supplied the details of sale being lawfully made by them vide Annexure P-5 (GST Invoice) and sent through E-way bill (Annexure P-6), Transport Builty (Annexure P-7), Consignee Note (Annexure P-8) on the basis of the purchase order dated 15.11.2024 (Annexure P-9) received from the consignee/buyer. He submits that these transactions have been done in pursuance to the duly executed agreement (Annexure P-10) between the Company of the petitioners and the buyer M/s Gauri Ganesh Pharma, wherein it was specifically undertaken by the said buyer that they have got the validly issued drug licence and that in case of any un-lawful or illicit distribution of drug at their end the buyer firm will be responsible for all the consequences.

5. Learned Senior counsel for the petitioners, further contends that even on 18.01.2025 a spot inspection was carried out by the police party headed by Deputy Superintendent of Police, Anti-Narcotics Task Force, Ludhiana Range along with Drug Controller Officer Ludhiana-II and Ludhiana-IV and also the Drug Inspector Baddi, Himachal Pradesh and all documents and medicines were found in order and even the sale of the said



medicines to M/s Gauri Ganesh Pharma were found to be in order and it was specifically mentioned therein that the Firm was complying with the Standard Operating Procedure (SOP), issued by Drug Controller, Himachal Pradesh and has intimated the sale of said drugs through e-mail to the quarter concerned on 15.11.2024 itself at about 03.17 pm.

6. The learned Senior counsel has referred to the Standard Operating Procedure (SOP) to submit that on receipt of order, the goods were dispatched through E-way bill issued to the consignee/buyer firm and email to this effect was also sent to the concerned quarter as per the Standard Operating Procedure at 03.17 pm on the same day itself and this fact is even admitted in Annexure P-12, dated 18.01.2025, the Spot Inspection Report carried out by the concerned Deputy Superintendent of Police in the presence of Drug Inspectors concerned. He contends that the concerned Standard Operating Procedure is at Annexure P-21. The licence of the consignee-buyer concerned is valid up to 08.04.2029 and also referred to the email regarding the purchase consignment and sale of Alprazolam given by the petitioner Company to the concerned authority regularly before 5th of every month, as such, the fair compliance of the Standard Operating Procedure and the provisions of law have been made by the petitioners without any sort of violations. He has further contended that the e-mail Id of the concerned Drug Controller/State Licensing Authority as has been updated on 28.12.2024 (Annexure P-23) available on the official site, the requisite intimation through e-mail was given to the concerned authority of Uttar Pradesh at email ID "upfdadrug@gmail.com" regularly and it was only



on 13.01.2025 (Annexure P-22) that the petitioners received e-mail therefrom intimating change of e-mail Id to “fsdadrug-report@up.gov.in”.

7. He contends that the petitioners are law abiding citizens undertaking business of manufacturing the drugs under valid license and carrying out the activities in accordance with the Standard Operating Procedure issued by the Government, *bona fidely* and they have been falsely implicated in this case without any criminal activity committed by them and they are in custody since 23.01.2025. They are having no criminal antecedents. Hence prayed for grant of concession of regular bail to the petitioners.

8. *Per contra*, learned State counsel referring to the reply submitted by the State have opposed the bail petition on the ground that they have not adhered to the guidelines of the Standard Operating Procedure issued by the Health and Family Welfare, Himachal Pradesh and secondly they have been sending the e-mail on “upfdadrug@gmail.com” which was not the valid address of the concerned authority. He further contends that the e-mail regarding sending of information as per Standard Operating Procedure (SOP) was to be sent to the Kanpur office of the Food Safety and Drugs Administration and not at Lucknow. He contends that the buyer firm i.e M/s Gauri Ganesh Pharma had given fake license, as such, the petitioners have violated the legal provisions, hence, are not entitled to concession of bail, as such, prayed for dismissal of the bail petition.

9. After considering the rival contentions and perusing the record, it transpires that so far as the petitioners being the duly authorized



manufactures of the medicines under the duly issued licence by the Government is concerned the same is not disputed. It is also not disputed that on receipt of the order (Annexure P-9) dated 15.11.2024 from M/s Gauri Ganesh Pharma, the firm of petitioners had sent the consignment through GST Invoice (Annexure P-5) vide E-way bill (Annexure P-6), Transport Bilty (Annexure P-7), Consignee Note dated 15.11.2024 (Annexure P-8) on the basis of the purchase order dated 15.11.2024 (Annexure P-9), in pursuance to the agreement (Annexure P-10) entered into between the Company of the petitioners and the said M/s Gauri Ganesh Pharma. The firm of the petitioner is duly registered for GST vide certificate (Annexure P-11).

10. It is not disputed that consequent upon the registration of the FIR (Annexure P-1) concerned Deputy Superintendent of Police, ANTF, had sought information from the Company of the petitioners vide letter Annexure P-3 regarding the sale of the medicine, which was duly replied vide Annexure P-4 along with relevant documents.

11. It is also an admitted fact that thereafter the concerned Deputy Superintendent along with Drug Authorities of Ludhiana and Baddi had inspected the spot on 18.01.2025 and submitted report (Annexure P-12) finding no irregularities in the premises of the petitioners qua sale of the medicines to M/s Gauri Ganesh Pharma. It was further stated therein that the Company has been complying with the SOP of Drug Controller, Himachal Pradesh and has been intimating the sale of drug through e-mail to Drug Inspector Baddi, Superintendent of Baddi, Drug Controller Uttar Pradesh



and such compliance e-mail on 15.11.2024 at 03:17 pm had been sent by the petitioner firm. Consequent upon the arrest of the petitioners in this case on 23.01.2025 the stand taken by the State in the reply had been firstly the email-Id of the Food and Drug Administration Lucknow “fsdadrug-report@up.gov.in” and secondly as per the Standard Operating Procedure (SOP), intimation was required to be sent to the Kanpur office of Food Safety Drug Administration and not at Lucknow, which they claimed to be violate of the Standard Operating Procedure (SOP) attracting penal action against the petitioners.

12. However, considering the relevant documents placed on record by the petitioners and as stated above no merit is found in these submissions. Firstly it is not disputed that the e-mail Id of Food and Drug Administration Uttar Pradesh as per the List (Annexure P-23) official site of the State Licensing Authority Drug Controller at serial No. 26 had been “upfdadrug@gmail.com”. The instant transactions pertains to 15.11.2024 so as per the information on the official site, the petitioners were supposed to send the email at the given e-mail Id I.e “upfdadrug@gmail.com”. This becomes even more prominent from the fact that the petitioners received an e-mail dated 13.01.2025 (Annexure P-22) wherein the Food Safety and Drug Administration Lucknow informed as under:-

“Please communicate to email id-

“fsdadrug-report@up.gov.in”.

Do not send email to “upfdadrug@gmail.com” in future”

13. The perusal of the aforesaid email (Annexure P-22) would



reveal that the concerned authority of Uttar Pradesh Government had intimated on 13.01.2025 for the first time to update the email id from “upfdadrug@gmail.com” which itself clarifies that the earlier used email id of the authority was “upfdadrug@gmail.com” where the petitioner firm had been sending the emails regularly, so their no violation by the petitioners

14. Regarding the second aspect raised qua the email to be sent to Kanpur office and not to Lucknow office, the learned State counsel on instructions from the concerned Deputy Superintendent of Police present in Court have not been able to place any such instructions on record. On the contrary, from the perusal of Annexure P-23, it is found that the office of Food Safety and Drug Administration State of Uttar Pradesh is located in Lucknow itself and no such office is located in Kanpur.

15. Another plea taken in the reply had been to the fact that M/s Gauri Ganesh Pharma was not having a valid licence, the response of learned counsel for the petitioner is that as per SOP, it was not the duty of the petitioner to verify the licence, moreover in the agreement, specific undertaking was given by M/s Gauri Ganesh Pharma that their licence is validly issued by the Government and in case of any illicit sale they will be responsible. Moreover he contends that the petitioner firm had regularly sent e-mails to the concerned authorities at Uttar Pradesh also before 5th of every month and no such communication was ever received from the concerned Drug Authorities of Uttar Pradesh regarding any infirmity in the licence of the buyer, as such, the same also did not attract any criminal liability of the petitioner in any manner. The criminal liability, if any, is of



the buyer firm who had sold it without having valid licence, as alleged, and not of the petitioners. The petitioner are in custody since 23.01.2025, having no criminal antecedents, as such, considering the above facts and circumstances, no purpose would be served by detaining petitioners in custody any longer.

16. Resultantly, in these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioners are ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with the evidence of the prosecution in any manner.

17. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

18. Pending application(s) if any shall also stand disposed of.

(SANJIV BERRY)
JUDGE

21.05.2025

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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No