



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

220**CRM-M-18069-2024****Date of decision: 10.01.2025****Hemant Bichwe**

....Petitioner

V/s

Narcotics Control Bureau

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr.Sanjeev Majra, Advocate, for the petitioner.

Mr.Tajeshwar S. Sullar, Central Government Counsel
for N.C.B.

MANJARI NEHRU KAUL, J. (ORAL)

1. Prayer in the instant petition filed under Section 439 of the Cr.P.C. is for grant of regular bail in case NCB Crime No.VIII/31/DZU/2023 later registered as case no.NDPS-62 of 2023, under Sections 8, 22, 23 and 29 of NDPS Act, 1985, District Palwal.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the criminal complaint in question for allegedly being found in conscious possession of 3.18 grams of MDMA and 25 LSD blots. While drawing the attention of this Court to the Complaint No.VIII/31/DZU/2023 annexed as Annexure P-1, the learned counsel has argued that no offence has been substantiated against the petitioner. He has asserted that the petitioner has been implicated in the present case solely on the disclosure statement of co-accused Mohit, who claimed that the contraband was procured at the direction of co-accused



Naveen Fogaat, with parcels purportedly sent to the petitioner and another co-accused, Aryadev Ghosh.

3. It has been further submitted by the learned counsel that the petitioner is a Chief Engineer with the Government of Maharashtra, and there was no occasion for him to engage in such illegal activities. Furthermore, it has been argued that the prosecution has failed to provide any *prima facie* evidence establishing a financial or monetary motive or transaction linked to the alleged contraband.

4. Learned counsel has also contended that there has been non compliance of the provisions of Section 50 of the NDPS Act, as the alleged seizure was conducted without informing the petitioner of his right to have the search conducted in the presence of a Gazetted Officer or Magistrate. Additionally, the absence of independent witnesses during the search, except for the house owner, raised further serious doubts about the case of the prosecution.

5. Learned counsel for the petitioner has still further highlighted that the petitioner has been in custody for the past seven months, having been arrested on 22.06.2024, and the trial is yet to commence as the prosecution's evidence is pending. It is submitted that further incarceration of the petitioner in the circumstances would serve no useful purpose.

6. *Per contra* learned standing counsel for the NCB has vehemently opposed the prayer and submissions made by the counsel for the petitioner and submitted that the petitioner, along with co-accused, is actively involved in procuring and possessing commercial quantities of



psychotropic substances from international suppliers engaged in the illegal trade of MDMA and LSD.

7. It has also been contended by the learned counsel for NCB that a huge recovery of 3.18 grams of MDMA and 25 LSD blots (weighing 0.24 grams), classified as commercial under the Act, was made from the conscious possession of the petitioner. It has been asserted, on instructions, by the learned counsel for NCB that the provisions of the NDPS Act were duly complied with during the seizure. It has also been further submitted, on instructions, that the investigation into the mobile phone of the petitioner, including data analysis of chats and transaction details, revealed communication with suppliers to procure these substances. Furthermore, the petitioner allegedly procured drugs and psychotropic substances from three suppliers namely “Zambada Cartel” (3.18 grams MDMA), “The Indian Land Exchange” (25 LSD blots) and “MYPLUGG”. Learned counsel for NCB has still further submitted that these articles were delivered to the petitioner and, 3.18 grams of MDMA were recovered during a follow up investigation on 22.06.2023. The supplier “The Indian Land Exchange” remains untraced. In support of these allegations, the learned counsel for the NCB has drawn the attention of this Court to screenshots of chats which have been annexed as Annexure R-2 with the reply filed.

8. Learned counsel has furthermore submitted, on instructions, that investigation in the present case is complete and challan has already been presented and now the case is pending for consideration on charge. A



prayer has been therefore made in the light of the serious allegations levelled against the petitioner and the huge recovery of contraband made for dismissal of the instant petition.

9. I have heard learned counsel for the parties and have perused the relevant material placed on record.

10. The petitioner is alleged to be involved in the procurement and possession of commercial quantities of contraband from international suppliers. The recovered contraband falls under commercial quantity and the recovery was affected from the conscious possession of the petitioner. Furthermore, as per the learned counsel for the NCB, data analysis of the phone of the petitioner revealed communication with multiple suppliers, *prima facie* corroborating the case of the prosecution regarding the petitioner's involvement in the illegal procurement of psychotropic substances.

11. Given the *prima facie* evidence, including material recovery, electronic evidence, and the seriousness of the allegations, this Court does not deem it fit to grant the concession of bail to the petitioner. The contentions made by the learned counsel for the petitioner qua his false implication lacks substance at this stage. Furthermore, the stage of the trial and the gravity of the offence necessitate the continuation of the petitioner's judicial custody.

12. In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the concession of regular bail to the petitioner.



13. Accordingly, the instant petition is hereby dismissed. 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.

January 10, 2025
poonam

(MANJARI NEHRU KAUL)
JUDGE

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