



CRM-M-21535-2025 (O&M)

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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****CRM-M-21535-2025 (O&M)****Reserved on : 16.10.2025****Pronounced on : 29.10.2025**

Mukeshbhai Shankarbhai Chaudhary & Anr.

.... Petitioners

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Argued by: Mr. Shiv Kumar Sharma, Advocate for the petitioners.

Mr. K.D. Sachdeva, DAG Punjab.

SURYA PARTAP SINGH, J.

1. For the commission of offence punishable under Sections 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, hereinafter being referred to as 'NDPS Act' only, the FIR No.69 dated 12.08.2019 has been lodged in Police Station S.G.N. Dev Thermal Plant, District Bathinda. The petitioners are being prosecuted for the commission of abovementioned offence and they have been arrested. The petitioners are in custody and, therefore, craving for bail. This is first petition, filed by the petitioners, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

2. In nut-shell, the facts emerging from record are that the FIR of this case came into being on 12.08.2019, when a tip-off given to Constable Gurjiinderpal Singh was shared by him with Inspector Gurdeep Singh.



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According to abovementioned information, Sunil Kumar @Sonu S/o Rachhpal Kumar Aggarwal R/o Maurh Mandi, who was confined in Central Jail Bathinda in a case pertaining to FIR No.100 dated 11.07.2019, and that he had stored contraband of intoxicant tablets in the warehouse of some transport company in the area of Transport Nagar, Bathinda. According to prosecution, finding the information trustworthy, the production warrants of Sunil Kumar @Sonu was obtained, and his custody was taken over.

3. According to prosecution, during the course of interrogation, Sunil Kumar @Sonu had disclosed that 2,34,000 tablets make Tredol-100 (contained in 10 boxes) were kept in the premises of Kuthari Transport Bathinda. As per prosecution, in view of abovementioned information, when search in the store of Kuthari Transport Bathinda was conducted, 2,34,000 tablets of Tredol-100 were recovered. It is the case of the prosecution that pursuant to abovementioned recovery, the accused Sunil Kumar @Sonu was arrested in the present case also, and when the source, from where the abovementioned tablets were procured, was searched, it was found that the abovementioned intoxicant tablets were manufactured by 'Neutec Healthcare Pvt. Ltd. Delhi', and supplied to 'M/s Shri Shakti Medical Agency (Wholesale)', Deesa, District Banaskatha, Gujarat, who sent the same through Kuthari Transport. The prosecution has further alleged that the bilty with regard to transportation of abovementioned contraband was got issued by 'M/s Lifeline Medical Agency', which was registered in the name of Arvind Bhai and Mukesh Bhai, i.e. the petitioners.



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4. It is the case of the prosecution that during the course of investigation, it was found that the accused Patel Bharmal Bhai @Bharmalbhai, his brother Ramesh Bhai and the petitioners had connived with each other and made a chain for supply of intoxicating tablets to the accused Rakesh Kumar, Sunil Kumar and Varinder Kumar at Bathinda. As per prosecution on the basis of abovementioned credible facts, co-accused of the petitioners, namely Patel Bharmal Bhai @Bharmalbhai and Ramesh Bhai, were nominated and thereafter, arrested.

5. Heard.

6. It has been argued on behalf of petitioners that the petitioners are innocent having no nexus, whatsoever, with the commission of crime, and that, merely, on the basis of disclosure statement of accused, who was already in police custody, the petitioners have been roped-in, in the present case. According to learned counsel for the petitioners, the petitioners were having valid drug license in the name of M/s Lifeline Medical Agency, w.e.f. 17.12.2012 to 16.12.2023.

7. According to learned counsel for the petitioners, the only role attributed to the petitioners is that they were consigners of the contraband. With regard to above, the learned counsel for the petitioners has argued that firstly, there is no reliable evidence to show that the goods were actually consigned by the petitioners as there is no supportive invoice, GST documentation, or e-way bill as mandated under the CGST Rules for consignment exceeding value of Rs.50,000/-. According to learned counsel



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for the petitioners, the bilty is a hand-written bilty and its connection with the petitioners has not established.

8. In addition to above, it has also been argued by learned counsel for the petitioners that 6-7 months prior to the alleged incident, the petitioners had closed their medical store, and they were not doing any business at the time of alleged supply of contraband. According to learned counsel for the petitioner, in fact at the time of alleged consignment, the petitioner No.1 was working as an 'Apprentice Electrician' at Banaskantha 'District Coop. Milk Producers Union Ltd.', Banas Dairy, Palanpur and the petitioner No.2 was undergoing the training programme at 'Galbabbhai Dairy Cooperative Training Centre', Banas Dairy, Palanpur, w.e.f. 01.04.2019 to 11.05.2019, and thereafter, field training w.e.f. 15.05.2019 to 25.06.2019.

9. According to learned counsel for the petitioners, in the abovementioned given fact situation, sending consignment to accused Sunil Kumar @Sonu through the firm of petitioners was not possible. It has also been argued by learned counsel for the petitioners that there is no eye-witness account or any document or forensic evidence to show that the bilty was got prepared by the petitioner, and that the important witness, namely Manoj Kumar, owner of Kuthari Transport Company, has already been examined as PW-15, and he has not supported the prosecution case with regard to involvement of petitioners in the commission of crime.

10. The learned counsel for the petitioners has also argued that in the present case, the entire prosecution case is based upon the plea that Sunil



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Kumar @Sonu was the consignee of the contraband, and that by virtue of order dated 04.08.2021, he has already been afforded the benefit of bail.

11. *Per contra*, the learned State Counsel has argued that the petitioners have direct nexus with the commission of crime being consigners of the contraband. According to learned State Counsel, the investigating agency during the course of investigation had tracked the source of manufacturing of intoxicant tablets and found that the tablets were manufactured by 'Neutec Healthcare Pvt. Ltd. Delhi', and that the Sales Manager of the abovementioned manufacturing company, namely Krishan Kumar Arora, on the basis of documents maintained in the company, disclosed to the police that the abovementioned tablets were supplied to 'M/s Shri Shakti Medical Agency (Wholesale)', Deesa, District Banaskatha, Gujarat.

12. According to learned State Counsel, on enquiry from Drug Inspector, it was revealed that the abovementioned firm was registered in the name of accused 'Patel Bharmal Bhai @Bharmalbhai', and its license was valid from 19.09.2016 to 18.09.2021. As per learned State Counsel, the Drug Inspector Chitrang Patel had also revealed that the abovementioned firm was not working for the last 06 months and the process for cancellation of its license was in progress.

13. The learned State Counsel has further contended that during the course of investigation, when the statement of an employee of Jaipur Golden Transport Company, namely Vipin Chander, was recorded, he disclosed that



the abovementioned contraband was booked by the petitioners 'Arvind Bhai' and 'Mukesh Bhai', the partners of firm 'M/s Lifeline Medical Agency'.

14. According to learned State Counsel, quite convincing evidence has been collected by the investigating agency with regard to involvement of petitioners in the commission of crime, and that in view of the fact that the quantity of recovered contraband is commercial quantity, rigors of Section 37 of NDPS Act are attracted in the present case.

15. The record has been perused carefully.

16. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration, before arriving at any decision with regard to present petition for bail. Those factors are: -

- i) that the petitioners have already suffered a lot of incarceration for being in custody for a period of more than 01 year and 01 month;
- ii) that the trial is not likely to be concluded in near future;
- iii) that the petitioners were not found in actual or conscious possession of contraband;
- iv) that the only allegation against the petitioners are that they had supplied the contraband to the main accused Sunil Kumar @Sonu through a transport company, but the GST bill, e-way bill or any other document does not support the claim of the prosecution;
- v) that the only evidence available with the prosecution with regard to involvement of petitioners is the name of the firm of the petitioners they used, and that they were instrumental in



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booking the consignment, but qua that plea there is no reliable evidence;

- vi) that as per prosecution story itself, the Drug Inspector examined by the prosecution had stated that at the time of alleged consignment, the petitioners were out of business in their chemist shop.
- vii) that the benefit of bail has already been accorded to the recipient of consignment, i.e. 'Sunil Kumar @Sonu' by virtue of order dated 04.08.2021 and even co-accused Varinder Kumar has already been released on bail by virtue of order dated 28.07.2021.
- viii) that detention of the petitioners in judicial lockup is not likely to serve any purpose; and
- ix) that since the petitioners were not found in conscious possession of contraband, and therefore qua petitioners rigors of Section 37 of NDPS Act are not applicable to the present case; and
- x) that there is nothing on record to show that if released on bail, the petitioners may influence the witnesses.

17. With regard to the legal aspect involved in the instant case, it is relevant to mention that the Hon'ble Supreme Court in the case of "***Dataram versus State of Uttar Pradesh and another***", 2018(2) R.C.R. (Criminal) 131, has observed that "*a fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from*



the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case”.

18. The principles laid down by the Hon’ble the Supreme Court of India in the case of **‘Satender Kumar Antil Vs. Central Bureau of Investigation and Another’**, 2022 LiveLaw (SC) 577, are also relevant in this case. In the abovementioned case, it has been observed that *“the rate of conviction in criminal cases in India is abysmally low. It appears to us that this factor weighs on the mind of the Court while deciding the bail applications in a negative sense. Courts tend to think that the possibility of a conviction being nearer to rarity, bail applications will have to be decided strictly, contrary to legal principles. We cannot mix up consideration of a bail application, which is not punitive in nature with that of a possible*



adjudication by way of trial. On the contrary, an ultimate acquittal with continued custody would be a case of grave injustice”.

19. Therefore, to elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as mandated by Hon’ble Apex court in “***Balwinder Singh versus State of Punjab and Another***”, *SLP (Crl.) No.8523/2024*.

20. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, it leads to the conclusion that the petitioners are entitled for the benefit of bail.

21. Accordingly, without commenting anything on the merits of the case, the present petition is hereby allowed. The petitioners are hereby ordered to be released on bail on their furnishing bail bonds and surety to the satisfaction of the concerned trial Court, subject to the following conditions:-

- (i) that the petitioners 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) that the petitioners shall at the time of execution of bond, furnish the address to the Court concerned and shall notify the change in address to the trial Court, till the final disposal of the case; and
- (iii) that the petitioners shall not leave India without prior permission of the trial Court.



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22. In case, the petitioners violate any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to them shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

(SURYA PARTAP SINGH)
JUDGE

OCTOBER 29, 2025
Gaurav Thakur

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No