

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

2025:PHHC:152235



CRM-M-30948-2025 (O&M)

Date of reserved: 28.10.2025.

Date of Pronouncement:-04.11.2025

Priya Bhandari

...Petitioner.

Versus

Union of India

...Respondent.

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR

.....

Argued by: Mr. P.S. Ahuwalia, Sr. Advocate with
Mr. Deepinder Singh Virk, Advocate
for the petitioner.

Mr. Sourabh Goel, Special Public Prosecutor with
Ms. Samridhi Jain, Advocate
Ms. Anju Bansal, Advocate
Ms. Geetika Sharma, Advocate
Ms. Deify Jindal, Advocate for respondent-NCB.

SUKHVINDER KAUR, J.

Present petition has been filed under Section 482 of BNSS for grant of anticipatory bail to the petitioner in NCB Crime No.14 dated 01.05.2025, under Sections 8, 22, 29/61/85 of Narcotics Control Bureau, Amritsar Zonal Unit, Amritsar.

As per prosecution case, on 01.05.2025, the officers of Narcotics Control Bureau, Amritsar Zonal Unit recovered 31900 tablets of Tramadol from Ballista Pharmaceuticals, SCF-6, Jawala Estate, Haripura Road, Amritsar. A crime case bearing NCB Crime No. 14 dated 01.05.2025, under Section 8, 22 of NDPS Act, 1985 was registered against Amit Bhandari. During following of said case NCB conducted raid at Corporate Medicos, Inside Corporate Hospital, Amritsar and recovered 2000 tablets of Tramadol and arrested Rajinder Rajan on 02.05.2025 and

also arrested Jatinder Malhotra on 03.05.2025. Another team of NCB Amritsar raided at Life Kare Medicare Inside Life Kare Hospital, Nirankari Colony, Fatehgarh Churian Road, Amritsar on 02.05.2025 and recovered 472 Tablets of Tramadol but the accused person Parveen Kumar, who is proprietor of the said firm Life Kare Medicare went absconded from the raided place. Since the partners in the Ballista Pharmaceuticals were Deepak Bhandari, Priya Bhandari (the petitioner) and Nabhya Bhandari (son of Deepak Bhandari), the petitioner was served with notice under Section 67 of NDPS Act, but she did not comply and did not report on the due date i.e. on 05.05.2025 before the Investigating Officer of this case.

Learned counsel for the petitioner contended that the petitioner has been falsely implicated in the present case and he is not connected with the offence in the present case. She is household lady and a sleeping partner in the partnership firm M/s Ballista Pharmaceuticals, situated at SCF-6, Jwala Estate, Haripura Road, Amritsar. She was not taking any part in the business of the firm. He also argued that the aforesaid firm possesses licence to sell, stock or exhibit or offer for sale or distribute by wholesale drug other than those specified in Schedule C, C(1) and X issued by Zonal Licensing Authority, Department of Drugs Control, Amritsar valid from 01.04.2022 to 31.03.2027. The firm Ballista Pharmaceuticals was allowed to stock for sale and distribution oral dosage formulations containing Tramadol and Tapentadol with possession limit of 50,000 solid oral dosage forms of each at a time. Earlier the Zonal Licensing Authority had never raised any objection regarding stock statements sent by co-accused Deepak Bhandari. He prayed that custodial interrogation of the petitioner is not required and she is ready and willing to join the investigation and the

present petition be allowed.

Per contra, learned Public Prosecutor for the respondent-NCB opposed the present petition and submitted that as per partnership deed of the firm, there were three partners in the firm with shareholding of 33% by Nabhay Bhandari and the petitioner was also gaining benefits from the illegal activities of the firm. The inspection was lawfully carried out in conjunction with the Drug Inspector and both the agencies were empowered to register the case. The NCB Amritsar recovered the contraband under the NCB Amritsar Crime No.14 of 2025. As per the inspection report prepared by Drug Control Officers of Amritsar, the terms and condition of the license was violated multiple times by possessing intoxicating substance more than the prescribed limit by selling to unauthorized firms more than their purchasing limit. He has submitted that as there was recovery of contraband of 'commercial quantity', and as such she is not entitled to the concession of bail.

Heard.

As per partnership deed dated 01.04.2022 (Annexure P3), the existing partners were Deepak Bhandari with 34% share, Priya Bhandari 33% share and Nabhay Bhandari with 33 % share. While referring to partnership deed dated 01.04.2022, it has been alleged by the learned counsel for the petitioner that the entire managing as well as day to day affairs of the firm including marketing, sending orders, purchasing stocks was carried out by husband of the petitioner (Deepak Bhandari) and all the decision of the firm was taken by him alone. He has pointed out that as per para No.15 of the aforesaid partnership deed dated 01.04.2022, it has been duly mentioned in para No.15, which reads as under:-

Para No. 15. “That party of second part Deepak Kumar Bhandari is hereby authorised to do all acts on behalf of the Partnership which are necessary for smooth conduct of business & to deal with & on behalf of the partnership firm in connection with Railways, Post office, Income tax, Sales Tax, & other departments, local-bodies & commercial organizations. They are in the like manner, authorised to file, conduct & withdraw proceedings, to verify Income tax returns, memorandum of appeals, to get refunds etc., to refer any matter to arbitration and to authorize any other person to do all or any of these acts and also to cancel such power of attorney”.

He has also referred to Para No.19, which is reproduced as under:-

Para No. 19. “In case of any difference of opinion decision of party of second part Sh. Deepak Kumar Bhandari will be final and binding on all other partners”.

He has also referred to Para No.26, which is reproduced as under:-

Para No. 26. “That conducting day to day affairs of the firm or any other decisions relation to firm will be taken by the party of second part i.e. Sh. Deepak Kumar Bhandari”.

He further referred to Para No.29, which is reproduced as under:-

Para No. 29. “In case of any action or notice against the firm under any law of land like GST, Drug Act, Income Tax Act or any other law, the partner of firm Deepak Kumar Bhandari will be solely liable for any such action or notice”.

While relying upon the aforesaid partnership deed, it has been alleged that Deepak Bhandari had been carrying out the business being active members and was incharge of the entire day to day affairs and was

having complete knowledge of working of the firm including sale, purchase, order placing, marketing, supplying etc.

The petitioner has been nominated in the present case on the ground of being a partner in the aforesaid Ballista Pharmaceuticals, from where the alleged recovery of 31,900 tablets of Tramadol was allegedly effected. Nothing has been brought on record that any amount by way of any income, remuneration, interest on capital, salary had been taken or received by the petitioner. Earlier Ballista Pharmaceuticals had four partners, as per partnership deed dated 10.07.2017, i.e. Sudesh Bhandari, Deepak Kumar Bhandari, Amit Bhandari and Pooja Bhandari. Thereafter, vide deed/ agreement dated 01.04.2022 (Annexure P3) aforesaid Sudesh Bhandari, Amit Bhandari and Pooja Bhandari were retired and only Deepak Bhandari out of the aforesaid was the partner, who continued his services in the aforesaid Ballista Pharmaceuticals. Thus, only vide deed/ agreement dated 01.04.2022, two new partners i.e. Priya Bhandari (present petitioner) and Nabhay Bhandari were introduced into the Ballista Pharmaceuticals firm. Thus, only at a later point in time, the petitioner had been made a partner in the aforesaid firm. As pointed out above, it has been alleged by counsel for the petitioner while referring to Annexure P3, the deed/ agreement dated 01.04.2022, that the petitioner was a silent partner and had no active role in the said Ballista Pharmaceuticals. It requires evidence and it is a matter of trial that whether the petitioner was a silent partner or an active partner in the aforesaid firm, so as to connect her with offence in the present case.

The custodial interrogation of the petitioner is not required for any purpose and no useful purpose would be served by sending the

petitioner behind the bars.

Accordingly, without commenting on the merits of the case, the present petition is allowed. In the event of her arrest, the petitioner is ordered to be released on bail, on her furnishing bail/surety bonds, to the satisfaction of the Arresting Officer/ Investigating Officer, subject to the conditions, as provided under Section 482(2) of BNSS. It will be open for the Investigating Officer to call the petitioner to join investigation, if so required, by issuing a written notice in this regard and she shall abide by the conditions mentioned in Section 482(2) of the BNSS.

However, nothing observed herein above shall be construed to be an expression of opinion on the merits of the case. The observations recorded above are only for the purpose of deciding the present bail application.

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

(SUKHVINDER KAUR)
JUDGE

04.11.2025.

Komal

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

