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

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**CRM-M-37581-2023
Decided on:13.05.2025**

Mohd. Ajam**...Petitioner****Versus****State of Haryana and another****...Respondents****Coram : Hon'ble Mr. Justice Rajesh Bhardwaj**

Present: Mr. Amitabh Tewari, Advocate,
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Mr. Saurabh Goel, Special Public Prosecutor, and
Ms. Samridhi Jain, Advocate, for respondent no.2-NCB.

Rajesh Bhardwaj, J.

1. Prayer in the present petition, filed under Section 439 Cr.P.C., now replaced with Section 483 of the BNSS, 2023, is for grant of regular bail to the petitioner during pendency of the trial in case File No.DRI/DZU/34/ENR-14/2022, registered under Sections 9, 25, 25(A), 27(A), 28 & 29 of the NDPS Act, 1985 (hereinafter referred to as "the Act"), at Police Station Radaur, District Yamuna Nagar, in which Complaint No.NDPS/19/2023 dated 25.01.2023 titled as "State of Haryana vs. Mohd. Azam or others (Annexure P-1) has been filed for offences punishable under Sections 8(C), 22(C), 25, 27A, 28 & 29 of the Act at Yamuna Nagar.

2. Succinctly, the facts of the case are that the Directorate of Revenue Intelligence (hereinafter referred to as the "DRI") received a secret intelligence vide letter dated 26.07.2022 regarding clandestine manufacturing of Ephedrine/Pseudoephedrine or Mephedrone in the factory premises of Shree Murlidhar Industries, village Bapoli, Tehsil Radaur, District Yamuna Nagar, Haryana, by taking on lease two Glass Lined Reactors installed in the said factory. It was informed that the manufacturing was started in the afternoon of

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22.07.2022 and expected the process to be completed in 6 days in two batches. As per the intelligence, Mohd. Azam (petitioner herein) had supplied bulk of raw material for manufacturing of the aforesaid drug from Mumbai. The petitioner was to take share of the output and the total raw material supply had been made by him by using fake invoices. The co-accused Wafadaar Gajnafer Hussain was informed to be a chemical trader from Mumbai, who was the mediator between the petitioner Mohd. Azam, Santosh Singh alias Raju and partners of the firm Shree Murlidhar Industries. On receiving the intelligence, the informed premises were searched by officers of the DRI on 29.07.2022 and the same continued till 31.07.2022. On conducting search of the factory premises of Shree Murlidhar Industries, 10 drums, containing both dry and wet brown colour material with heavy crystalline settings in bottom, were recovered. The DRI officers collected samples of both the dry and wet material from each drum and on testing the material, it indicated the presence of Ephedrine (which was later on tested positive for Mephedrone), a controlled substance covered under the Act. In total, 661.75 Kgs. of Mephedrone in wet form was recovered. The drums recovered were marked as AA1 to AA10 and A1 to A10 by the DRI officers. The manufacturing equipments appeared to be liable for confiscation but as it was not practical to move the same from the factory premises, hence, the factory was sealed. The search of room nos.201 to 203 of Daawat Hotel, Radaur, Yamunanagar Road, Barshami, Ladwa, was conducted on 29.07.2022 and during search, Mohd. Azam (petitioner herein) and Wafadar Gajnafer Hussain were found in those rooms. Both of them accompanied the DRI officers to the factory premises of Shree Murlidhar Industries. The residential premises of the partners of Shree Murlidhar Industries was also searched. The statements of the accused were recorded under Section 67 of the Act. The recovered contraband was found to be manufactured in violation of the provisions of the Act and, thus, the petitioner and the co-accused were arrested. On registration of the complaint, the

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investigation commenced. The petitioner was stated to be arrested on 01.08.2022 and the investigating agencies collected various evidences and on completion of the investigation, the challan was presented. The learned trial Court, on framing the charges, commenced with the trial. The petitioner approached the learned trial Court at Yamuna Nagar praying for grant of bail. However, after hearing both the sides, the learned trial Court declined the same vide order dated 05.07.2023. Hence, aggrieved by the said order, the petitioner is before this Court by of filing the present petition.

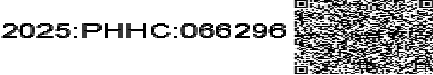
3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He submitted that as per the case of the prosecution, the intelligence was received on 26.07.2022, whereas the raid was conducted on 29.07.2022, i.e. after 3 days. Moreover, the petitioner was neither present at the time of raid nor he was arrested at the spot. Thereafter, he had been falsely shown to have been arrested from a hotel, which is more than 20 Kms. away from the place of search/recovery. He submitted that the recovery in the present case has been effected on the basis of the secret information, however, there is violation of the provisions of Sections 42 and 50 of the Act. He submitted that as per Section 50 of the Act, the accused was to be given offer before search but the same has not been given in the present case. It is further submitted that the prosecution is relying upon the disclosure statement of the petitioner recorded under Section 67 of the Act; however, the same is not admissible evidence. It is submitted that false and frivolous allegations have been made against the petitioner that he along with the co-accused had taken the premises of Shree Murlidhar Industries on rent; however, there is no evidence to substantiate the same. He submits that one of the co-accused, namely, Rajan Sondhi, the Director-cum-Proprietor of Shree Murlidhar Industries, had already been granted the concession of regular bail by this Court vide order dated 06.07.2023 passed in CRM-M-16527-2023. It is submitted that the petitioner is behind the bars from last about 2 years and 9

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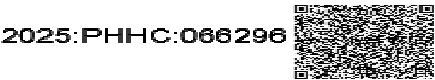
months, however, out of 87 prosecution witnesses, only 3 have been examined till date and, thus, fundamental right of the petitioner of speedy trial is being infringed. He further submitted that the petitioner has no criminal antecedents and, thus, in the wake of the facts and circumstances of the case, he deserves to be granted regular bail.

4. *Per contra*, learned counsel appearing on behalf of investigating agency-DRI has vehemently opposed the submissions made by learned counsel for the petitioner. The investigating agency-DRI has filed status report dated 23.09.2023 and learned counsel for the DRI has drawn attention of this Court to the said status report and submitted that the petitioner along with co-accused had committed grave and heinous offences. He submitted that on a specific intelligence received, the premises of Shree Murlidhar Industries were searched. On conduct of search, 661.75 Kgs. of Ephedrine/Mephedrone was recovered. The market value of the same was found to be of Rs.132.35 crores. It is submitted that the raw material and the left over material of Mephedrone were seized vide seizure order dated 31.07.2022. It is further submitted that the proceedings under Section 52A of the Act were conducted by 1st Class Magistrate, Jagadhari and the representative samples in duplicate were withdrawn for testing. As per the reports of the Central Revenue Control Laboratory (CRCL), New Delhi, the aforesaid samples were tested positive for “Mephedrone”, which is included in the Schedule of the Act. The petitioner was arrested on 01.08.2022. He submitted that the contraband recovered from the factory premises of Shree Murlidhar Industries had been manufactured by the petitioner alongwith his associate Wafadar Gajnafer Hussain, Santosh Singh alias Raju and others. He submitted that the petitioner is permanent resident of Mumbai, however, as per the investigation, he had visited Radaur in Haryana on two occasions in April, 2022 and July, 2022 and there is no explanation coming out from him regarding the same. During investigation, the mobile of the petitioner was recovered and sent for forensic examination,



from which the formula/process for the manufacturing of Mephedrone was found present in his mobile phone. This formula was sent to him by co-accused Santosh Singh alias Raju on his mobile phone through Whatsapp, which was lateron deleted. From examination of the mobile, the purchase order, purchase and sale invoices of the petitioner’s firm, namely, M.A.R. Trading Company were recovered. A forged sale invoice in the name of M/s Sun Trading Company was recovered for sale of 400 Kgs. of 4 Methyl-Propiophenone, which was issued by the petitioner. He submitted that as per the invoices collected, it has been found that the transaction of the money had been carried out in a clandestine manner which indicated that the petitioner was instrumental in bringing the raw material through Srishti Logistics (India) from Mumbai to Radaur, Yamuna Nagar, Haryana, on two occasions in April, 2022 and July, 2022. He submitted that the petitioner has used various fake names as a consigner in the sale bills at the time of bookings with the transporter and there are Whatsapp chats between the petitioner and Lekhraj Sharma, Proprietor of Srishti Logistics (India) regarding the same. The petitioner sent photo of 10 rupees note to Santosh Singh alias Raju on 29.07.2022 on Whatsapp for receiving Rs.5,00,000/- through Hawala for making payment to Shyamlal Goyal. It is submitted that on verification of the call details and location of the petitioner from his mobile phone, it had been found that the petitioner’s mobile location was in Radaur, Haryana in April, 2022 and July, 2022. He has drawn attention of this Court to the Call Details Record (CDR) analysis of the petitioner, which is as follows:-

Sl. No.	Calls between Mohammad Azam (8446093124) and others	No. of Calls
1.	Wafadar Hussain (7045871876)	392
2.	Santosh Singh @ Raju (8881735159)	110
3.	Santosh Singh @ Raju (7388351395)	30
4.	Santosh Singh @ Raju (8699143364)	44



5.	Mohit Sawhney (9996930076), Partner of Shree Murlidhar Industries	3
6.	Lekhraj Sharma (Srishti Logistics (India) 9888773700	80
7.	Ravinder Kumar (Bromos Organic) (9041004994)	5
8.	Ravinder Kumar (Bromos Organic) (9888874434)	5

5. He, thus, submitted that from the overall evidence collected, it is evident that the petitioner was part of a criminal conspiracy with co-accused Wafadar Gajnafer Hussain and partners of the firm, namely, Shree Murlidhar Industries in manufacturing of 661.75 Kgs. of Mephedrone in contravention of the provisions of the Act. It is submitted that the trial has already commenced and out of 87 prosecution witnesses, 3 witnesses have already been examined. He submitted that the offence committed by the petitioner, in connivance with the co-accused, is too grave and serious and, thus, as the trial is at its initial stage, granting of bail to the petitioner would prejudice the trial.

6. After hearing learned counsel for the parties and perusing the available record, it is deciphered that the complaint in the present case has been lodged by the DRI on the basis of intelligence receipt and in pursuance thereof, the raiding party had been constituted which had raided the premises of the disclosed factory, i.e. Shree Murlidhar Industries. Though the petitioner is the permanent resident of Mumbai, however, he was found in the room of Hotel Daawat, Radaur, Yamuna Nagar, Haryana. He was joined by the DRI team for the search of the Shree Murlidhar Industries, which was searched from 29.07.2022 to 31.07.2022. On search, a total quantity of 661.75 Kgs. of Mephedrone was recovered. The call details of the petitioner were duly verified and from the Call Details Record analysis, he has been found to be instrumental in bringing bulk of raw material from Mumbai to Radaur, Yamuna Nagar, Haryana through fake purchase and sale invoices and by mentioning fake consigner(s) in the sale bills at the time of transporting the same and,

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ultimately, in manufacturing the contraband recovered in conspiracy with the co-accused. On the analysis of the monetary transactions, the money has been found to be paid through Hawala. Since the quantity above 50 grams of Mephedrone falls in the category of commercial quantity as per the Schedule of the Act, therefore, the provisions of Section 37 of the Act are attracted in the present case. Needless to say, the quantity recovered in the present case of Mephedrone is a huge quantity, i.e. 661.75 Kgs. Since the trial is at the initial stage as only three witnesses have been examined so far out of total 87 prosecution witnesses, therefore, grant of bail to the petitioner at this stage would prejudice the trial.

7. Keeping in view the gravity of the offence and all the attending circumstances, this Court is of the considered opinion that the petitioner does not qualify for the grant of bail at this stage and hence, the present petition, being denuded of any merit, is hereby dismissed.

8. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

May 13, 2025
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(Rajesh Bhardwaj)
Judge

Whether Speaking/Reasoned: NO/YES
Whether Reportable: NO/YES