

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

CRM-M-33573-2025 (O&M)

Date of reserved: 28.10.2025.

Date of Pronouncement:13.11.2025.

Dr. Jatinder Malhotra

...Petitioner.

Versus

Union of India and another

...Respondents.

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR

.....

Argued by: Mr. Vikram Chaudhari, Sr. Advocate with
Ms. Diya Bhagwan, Advocate and
Mr. Parminder Singh Sekhon, Sr. Advocate with
Mr. R.S. Gill, 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.

Mr. Adesh Pal Singh, AAG, Punjab.

SUKHVINDER KAUR, J.

Present petition has been filed under Section 483 of BNSS for grant of regular bail to the petitioner in case Crime No.14 dated 01.05.2025, under Sections 8, 22, 29 of NDPS Act, registered at Police Station Narcotics Control Bureau, Amritsar Zonal Unit, District 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 Dr. Rajinder Rajan on 02.05.2025 and also arrested Dr. 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 absconding from the raided place.

Learned counsel for the petitioner contended that the petitioner is proprietor of Chemist Shop situated inside the Corporate Hospital, Amritsar. He is renowned critical care specialist and Anesthesiologist and managing the affairs of 150 bedded super speciality Hospital and cardiac care center. He further contended that the petitioner produced all the licenses along with demand letter written by the petitioner along with the bill issued by the Ballista Pharmaceuticals dated 21.04.2025 and letter dated 27.04.2025 written by the hospital to the seller Ballista Pharmaceuticals regarding return of medicine. The NCB official when raided the hospital of the petitioner, they were adamant to arrest the petitioner and another Managing Director for keeping 2000 tablets of Tramadol (oral) or its salts in the formulations, without any valid licence. He urged that the hospital is duly registered with the Punjab Medical Council and the license is valid upto 31.12.2028. He further argued that Tricon-P (Tramadol Hydrochloride Tablets) were for providing treatment to the admitted patients (IPD of the hospital) and the same were never purchased by the petitioner for further sale to drug addicts. The said tablets are required by chronic kidney patients, as a pain killer tablet, these were

never used as intoxicant. The petitioner wrote a letter dated 19.04.2025 for the manufacturer Ballista Pharmaceuticals for supplying 20 packs (strips) each containing 10 tablets and demand letter was for 200 tablets. Inadvertently, the manufacturer Ballista Pharmaceuticals mistakenly sent 2000 tablets vide bill dated 21.04.2025, which were delivered at the hospital of the petitioner. On noticing, said error that 2000 tablets had been wrongly delivered instead of 200 tablets the delivered box was never opened and not even a single tablet was used. Each tablet making Tricon-P has composition containing 325 mg of Paracetamol and 37.5 mg of Tramadol in each tablet and these tablets can not be used for the intoxication and are used for the pain suppression. He further contended that the petitioner had no mala fide intention and he has been falsely implicated in the present case. The conclusion of trial of the case will take considerable time. No useful purpose would be served by detaining the petitioner in further custody. Learned counsel, therefore, prayed that the petitioner be granted concession of regular bail.

Per contra, learned State counsel as well as learned Public Prosecutor for the respondent-NCB opposed the present petition and submitted that 2000 tablets of Tricon-P Tramadol (oral), which falls within the 'commercial quantity' were recovered from drug store situated in Corporate Hospital, Amritsar without any valid licence for the same. As it pertains to 'commercial quantity' it attracts Section 37 of the NDPS Act and as such he is not entitled to the concession of bail.

Heard.

As per prosecution version 2000 tablets of Taricon-P Tramadol (oral) packed in a box were recovered from the Corporate Medicos, Indoor

Pharmacy, Corporate Hospital, Amritsar, without any valid licence for keeping the same. The license Annexure P2/ Form 20 has been appended with the petition and it contains condition at serial No.5 which prohibits the Corporate Medicos from keeping certain Narcotic Drugs, which is reproduced as under:-

5. "Specific condition: Except Pharmacy, Except Tapentadol (Oral) and except Narcotic Drug namely Codeine, Dextropropoxyhene and Diphenoxylate and Psychotropic Substances namely Buprenorphine, Nitrazepam, Pentazocine & Tramadol (Oral), and/ or their salts in the formulations"

Thus it is very clear that Corporate Medicos could not keep Tramadol (oral). The perusal of Annexure P9 dated 19.04.2025 shows that 20 packs of Tramadol were ordered. The invoice dated 21.04.2025 (Annexure P10) pertains to 2000 tablets of Tramadol and not to 200 tablets of Tramadol. The letter dated 27.04.2025 (Annexure P11) regarding returning of 1800 tablets to Ballista Pharmaceuticals was not produced by the firm on the date of seizure to the agency. Moreover, the hospital was running since more than 10 years and earlier Tramadol had not been ordered for patient use and it is not explained that why suddenly it was ordered and purchased, when as per licence they could not keep even 200 tablets of Tramadol.

Thus, the petitioner without any permission to sell, purchase and stock Tramadol (oral) and/ or its salt in the formulations had purchased and stocked 2000 Tramadol tablets without holding a valid license in violation of Sections 8, 22 and 29 of the NDPS Act, 1985.

In the status report submitted by learned Special Public

Prosecutor, it has been submitted that as reported to the office of NCB by the Food and Drug Administration, Department of Health and Family Welfare, Punjab vide letter dated 23.07.2025 from Zonal Licensing Authority(Drugs Wing) Food and Drug Administration, Amritsar has cancelled retails sale drug license of M/s Corporate Medicos Inside Corporate Hospital, Amritsar for violation of the terms and conditions of the drugs license, as the petitioner purchased and stocked 2000 Tramadol tablets without holding a valid license.

Tramadol is Schedule H1 drug covered under Drugs and Cosmetics Act, 1940 is also a psychotropic substance which falls within the preview of NDPS Act, 1985.

Thus, as already observed, the petitioner indulged in sale, purchase and stocking of the drug Tramadol without any valid licence for the same had contravened the provisions of NDPS Act. The quantity of Tramadol tablets seized from the possession of the petitioner falls in 'commercial quantity', which attracts the rigors of Section 37 of the NDPS Act.

After considering the facts and circumstances in the present case, but without commenting anything on merits of the case, this Court is not inclined to grant concession of bail to the petitioner and the present petition is dismissed.

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

(SUKHVINDER KAUR)
JUDGE

13.11.2025.

<i>Komal</i>	Whether speaking/reasoned?	:	Yes/ No
	Whether reportable?	:	Yes/ No