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

**CRM-M-39488-2024 (O&M)**

**Reserved on : 22.04.2025**

**Pronounced on : 28.04.2025**

**Dr. Rajinder Pal Singh**

**...Petitioner**

**Versus**

**State of Punjab**

**...Respondent**

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Sanjeev Sharma, Senior Advocate with  
Mr. Jitesh Garg, Advocate  
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

**MANISHA BATRA, J.**

1. This petition has been filed by the petitioner under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*) seeking anticipatory bail in case bearing FIR No. 166 dated 09.07.2024, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Sadar Mansa, District Mansa, Punjab.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 09.07.2024, a secret information was received by Inspector Beant Kaur to the effect that the petitioner used to give intoxicant tablets to the patients during their treatment and if a raid would be conducted, then a huge quantity of intoxicant drugs could be recovered from his residential house. Acting on the said information, a police party headed by Inspector Beant Kaur reached at the house of the petitioner but he was not found present

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there. On conducting search, 700 tablets of *Tramawin-SR 100 (Tramadol Sustained Release Tablets IP 100 MG)*, 800 tablets of *Tapentadol 100 MG* and 45 tablets of *Bupernorphine and Naloxone* were recovered. Batch numbers of all the recovered strips were concealed with a permanent black marker. Since the quantity of the recovered drugs was more than the permissible limit, the aforementioned FIR has been registered against the petitioner. Investigation proceedings have been initiated and the same are underway. Apprehending his arrest, the petitioner had filed an application for grant of anticipatory bail before the Court of learned Judge, Special Court, Mansa, but the same had been dismissed, vide order dated 24.07.2024. Aggrieved from the same, the petitioner has filed the present petition and vide order dated 27.08.2024, his arrest was stayed by this Court.

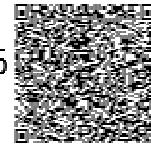
3. Learned senior counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. He is a qualified MBBS/MD Physician & MD Psychiatry and is registered as such with Medical Council of India. The petitioner had joined Global Healthcare Hospital at Bathinda as a Psychiatrist in the year 2018, which had a licence for running de-addiction centre. The license issued to the said hospital authorized its doctors to purchase, prescribe and dispense restricted medicine for its authorized and valid use particularly *Buprenorphine-Naloxane* tablets for the treatment of patients. While working with the said hospital, the petitioner had started his own clinic at village Bhaini Bagha in the year 2018. It is further submitted that recovered tablets i.e. *Tramawin-SR 100* and *Tapentadol 100 MG* were purchased by the petitioner from authorized sellers for dispensing

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the same to his patients to diagnose and treat them. He has been maintaining the record of prescription of these drugs to the patients. Even otherwise, although *Tapentadol* is a restricted drug but it does not fall within the ambit of NDPS Act. The alleged recovered strips bear the batch number, date of manufacture etc. As per Clause (iii)(d) of the notification dated 13.08.2019, issued by the Food & Drugs Administration, Punjab, the petitioner, being a registered medical practitioner, was permitted to possess 500 tablets/capsules of *Tramadol* and *Tapentadol* for dispensing the same to patients and only because 200 tablets of *Tramadol* were found in excess of permissible limit, the present FIR has been registered against him. In fact, the petitioner had to leave for England on 19.06.2024 due to death of his cousin and returned only on 07.07.2024 and in the meantime, as a usual course of matter, a delivery of fresh stock of 500 tablets of *Tramawin-SR* was made at his clinic which, after including balance tablets of 200 tablets, went upto 700 tablets. Had the petitioner not travelled abroad, he would have dispensed the balance tablets to his patients and even after delivery of fresh stock of 500 tablets, the total quantity of said tablets would never have gone above 500. Even otherwise, the total weight of the recovered tablets of *Tramawin-SR*, being 196 grams, does not fall within the ambit of commercial quantity. So far as the recovery of 45 tablets of *Buprenorphine* is concerned, as per Rule 66 of the NDPS Rules, 1985, 100 dosages of *Buprenorphine* can be kept by even by an individual for his personal use. Hence, no case under the NDPS Act is made out even qua recovery of *Buprenorphine*. It is further argued that the petitioner has falsely been nominated in one more case under the NDPS Act in the aid of Section

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29, which has been registered at the same police station, at the instance of the same Investigating Officer i.e. Inspector Beant Kaur, wherein he is on bail. This fact strengthens the stand of the petitioner that he has been falsely implicated in this case. The petitioner is ready to join the investigation. No recovery is to be effected from him. No useful purpose would be served by detaining him into custody. It is, therefore, urged that the petition deserves to be allowed.

4. Status report as well as short reply has been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Punjab has opposed the prayer made by the petitioner by submitting that although the petitioner is a registered medical practitioner but as per above mentioned notification dated 13.08.2019, he was permitted to possess the drugs formulations for dispensing to his own patients not more than 500 tablets/capsules, however, he was found in possession of excess quantity of the drugs i.e. 700 tablets of *Tramadol*. The petitioner is involved in one more case of similar nature. The custodial interrogation of the petitioner is required for conducting thorough investigation in the matter. It is, thus, argued that the petition is liable to be dismissed.

5. I have learned counsel for the parties at considerable length and have also perused the material placed on record.

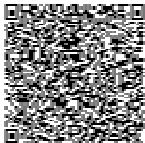
6. As per the prosecution, when on the basis of a secret information, a raid was conducted at the premises of the petitioner on 09.07.2024, recovery of 700 tablets of *Tramawin-SR 100*, 800 tablets of *Tapentadol 100 MG* and 45 tablets of *Bupernorphine and Naloxone*, was effected. As per above

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mentioned notification issued by the Food & Drugs Administration, Punjab, the petitioner, being a registered medical practitioner, was permitted to possess 500 tablets/capsules of *Tramadol* and *Tapentadol* for dispensing the same to his patients. However, 200 tablets of *Tramadol* were found in excess than the permissible limit. The allegations against the petitioner are quite serious. He is alleged to be involved in supplying psychotropic drugs to persons in the name of running a de-addiction centre. As per his own case, licence to dispense restricted medicines was issued in the name of Global Healthcare Hospital, where he had joined in the year 2018. There is nothing on record to show that he was having any such licence for his own clinic. He is shown to be involved in one more case under the NDPS Act. His custodial interrogation might not be required but that itself cannot be a ground to grant him anticipatory bail. The well settled proposition of law is that while considering an application for grant of anticipatory bail, the Court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation or tampering with evidence including intimidating witnesses. The powers under Section 482 of BNSS are to be exercised in extraordinary and sparing circumstances. It is also a matter of discretion to grant or not to grant pre-arrest bail. Keeping in view the discussion as made above, I am of the considered opinion that no extraordinary or sparing circumstance entitling the petitioner to seek concession of pre-arrest bail has been made out. Accordingly, finding no merit, the petition is dismissed.

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7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

28.04.2025

*Waseem Ansari*

(MANISHA BATRA)  
JUDGE

*Whether speaking/reasoned*

*Yes/No*

*Whether reportable*

*Yes/No*