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

CRM-M-5506-2015 (O&M)

Date of decision: 06.03.2026

Date of uploading: 06.03.2026

Chander Mohan Behl

....Petitioner

Versus

Narcotics Control Bureau

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Ms. Tanu Bedi, Advocate (Through V.C.)
and Ms. Aditi Singh Rana, Advocate for the petitioner.

Mr. Sourabh Goel, Special Public Prosecutor with
Ms. Anju Bansal, Ms. Deizy Jindal,
Ms. Samridhi Jain & Ms. Himanshi Gautam, Advocates,
for the respondent-NCB.

SUMEET GOEL, J. (ORAL)

1. The substantive prayer made in the instant petition reads thus:

“It is therefore respectfully prayed that keeping in view the facts and circumstances of the case and in the interest of justice, present petition may kindly be allowed and the petitioner may kindly be granted regular bail in case Crime No. 24 31-12-2 30/2014 registered at P.S. NCB, Chandigarh under sections 8(c) and 22 of NDPS Act, 1985.”

1.1. Petitioner has been booked for commission of an offence u/s 8(c) read with section 22 of the NDPS Act, 1985 for supplying/selling 71200 tablets of Buprenorphine to one Dr. Ashwin Mohan, MD, Psychiatry in violation of terms of licence granted to him by the concerned authority under the provisions of the Drugs and Cosmetics Act, 1940 and Drugs and Cosmetics Rules, 1945.

2. Learned counsel appearing for the petitioner has submitted that the proceedings initiated at the instance of the NCB are under challenge

before this Court in CWP No.9779 of 2015, in which an interim order was passed on 26.11.2015. The said order reads thus:

“CM No. 3856-2015 IN 4038 of 2015

Civil Misc. Application is allowed.

Written statement filed on behalf of respondents No. 4 and 5 is taken on record.

Main Cases

Learned counsel for the respondents seek time to file reply to the application seeking stay of criminal proceedings.

Learned Senior counsel for the petitioner states that the case is now fixed before the Trial Court on 30.11.2015 for consideration of charge.

Adjourned to 06.01.2016.

Meanwhile, the Trial Court may adjourn the case to a date beyond 06.01.2016.

A photocopy of this order be placed on the files of connected cases.”

Learned counsel appearing for the petitioner has further submitted that the petitioner was granted the concession of interim regular bail vide order dated 27.03.2015. The said order reads thus:

“Crl. Misc. No.10244 of 2015

Application is allowed. Photocopies of Annexures R.1 to R.6 are taken on record subject to just exceptions.

Crl. Misc. No. M-5506 of 2015

It is submitted by counsel for the petitioner that Dr. Ashwin Mohan is a co-accused and rather the main accused who is a Psychiatrist had purchased the tablets from the petitioner, who is stated to be a licensed wholesaler for the drugs.

The co-accused Dr. Ashwin Kumar is stated to have filed a writ petition for quashing of the proceedings and in that petition he has been granted interim bail.

Counsel for the respondent submits that there is a mandate that a complaint is to be filed within 180 days of the arrest of the accused and the complaint shall be filed within the stipulated period.

Counsel for the petitioner, however, submits that the respondent can very conveniently hold the petitioner in detention for 180 days without filing any complaint which shall be excessive hardship to the petitioner specially when the person who was using the drug either for prescription or otherwise has been granted interim bail.

Counsel for the respondent submits that the respondent has already applied in the other matter for vacation of the interim bail granted to the co-accused. It is submitted by counsel for the petitioner that the interim relief was granted to Dr. Ashwin Kumar on 6.2.2015 whereas the petitioner was arrested on 13.11.2015. No valid reason is there on the part of the respondent to have not arrested the other accused.

Counsel for the respondent submits that the application filed by them for vacation of the interim relief granted to the co-accused is fixed for 30.3.2015. It is felt that it is a fit case where at least interim relief for some time should be granted to the petitioner.

For the reasons given above, the petitioner is granted interim bail till the next date i.e. 24.4.2015 to the satisfaction of Chief Judicial Magistrate, Chandigarh”

Learned counsel appearing for the petitioner has further submitted that the petitioner is on interim regular bail since the year 2015 and there is no allegation of misusing the said concession at his instance. Learned counsel appearing for the petitioner has further argued that the *lis* pertaining to the validity of the proceedings instituted against the petitioner are subject matter of challenge in CWP No.9779 of 2015, which is pending adjudication before this Court. Learned counsel appearing for the petitioner has further contended that the petitioner is a man aged 80 years with no criminal antecedents. Thus, regular bail is prayed for.

3. Learned counsel for the respondent-NCB while raising submissions in tandem with the written statement filed on behalf of the

respondent-NCB dated 26.03.2015 has opposed the grant of regular bail to the petitioner by iterating that the petitioner is involved in the case in hand pertaining to commercial quantity and the rigors of Section 37 of the NDPS Act are not met with the instant case. Learned counsel for the respondent-NCB has specifically relied upon the following averments contained in the said reply dated 26.03.2015:

“ii) to (iv) That the contents of sub-paras (ii) to (iv) of para No.6 of the petition are wrong and hence denied. The petitioner was well aware of the fact that Dr.Ashwin Mohan is not running a De-addiction Centre as he was purchasing the said Tablets on his Shop-cum-Office address and the petitioner was supplying the same without taking licence from the Director, Health Services, U.T., Chandigarh. It is pertinent to mention here that the petitioner not only intentionally and deliberately supplying the medicines containing the psychotropic substance to Dr.Ashwin Mohan at Chandigarh at his OPD address, but he is diverting the tablets containing the Buprenorphine meant for only De-addiction Centres in the open market at Delhi and the same is clear from the Annexures R-5 and R-6.

(v) That in reply to the contents of sub-para (v) of para No.6 of the petition, it is stated that though it is not mentioned in his licence issued by the Delhi Administration that he can sell the tablets containing the Buprenorphine salt to be supplied to only De-addiction Centres, but it is pertinent to mention here that the petitioner applied for Trade Mark in the year 2006 and he was given the Trade mark of Buprenorphine (Sublingual) and it has been specifically mentioned that this tablet has to be supplied only to the Drug De-addiction Centre only. This clearly shows that petitioner is misleading this Hon'ble Court by relying upon the licence issued by the Delhi Administration. The petitioner cannot use the licence issued by the Delhi Administration at Chandigarh and cannot supply the tablets containing psychotropic substance i.e. Buprenorphine without getting the licence from the Director, Health, U.T., Chandigarh, hence he has also violated the

conditions of licence issued by the Zonal Drug Controller, Punjab.”

4. I have heard counsel for the rival parties and have gone through the available records of the case.

5. Keeping in view the factual milieu of the case in hand; especially proceedings initiated against the petitioner at the instance of NCB have been stayed in CWP No.9779 of 2015 and the said stay order continuing till date; the petitioner is stated to be 80 years old, having been released on interim regular bail since 27.03.2015 & there is no allegation of having misused the said concession of interim regular bail; this Court deems it fit to grant regular bail to the petitioner. In this view of the matter, the rigor imposed under Section 37 of the NDPS Act stands diluted in light of the Article 21 of the Constitution of India.

6. In view of above, the present petition is **allowed** and the order dated 27.03.2015 is hereby confirmed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned trial Court/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned trial Court/Duty Magistrate, the petitioner shall remain bound by the following conditions:

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.

- (vii) The petitioner shall not in any manner try to delay the trial.
- (viii) The petitioner shall submit, on the first working day of every month, an affidavit, before the concerned trial Court, to the effect that he has not been involved in commission of any offence after being released on bail. In case the petitioner is found to be involved in any offence after his being enlarged on bail in the present FIR, on the basis of his affidavit or otherwise, the State is mandated to move, forthwith, for cancellation of his bail which plea, but of course, shall be ratiocinated upon merits thereof.

7. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned trial Court/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

8. Ordered accordingly.

9. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

10. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

March 06, 2026
Naveen

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