



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

CRM-M-66527-2025 (O&M)
Reserved on : 23.01.2026
Pronounced on : 10.02.2026

Rajesh Kumar

..... Petitioner

VERSUS

Union of India

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Argued by : Mr. Sandeep S. Majithia, Advocate for the petitioner.

Mr. Rajiv Sharma, Special Public Prosecutor, NCB with
Mr. Vinayak Atri, Advocate and
Ms. Indu Bala Sharma, Advocate for the respondent.

SURYA PARTAP SINGH, J.

The petitioner, who is in custody and facing prosecution for the commission of offence punishable under Sections 8, 22, 23, 25, 27-A and 29 of 'Narcotic Drugs and Psychotropic Substances Act', hereinafter being referred to as 'NDPS Act', Police Station Narcotics Control Bureau, Amritsar Zonal Unit, Amritsar, vide NCB Crime No.14/2025 dated 01.05.2025 (Complaint No.950/2025 dated 27.10.2025), has filed the present petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023. The petitioner is in custody and therefore, craving for bail. This is first petition filed by the petitioner.

2. The petitioner is facing abovementioned prosecution in the backdrop of following events:-

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“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 investigation of abovesaid case NCB team 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 Parveen Kumar, who is sole proprietor of the said firm Life Kare Medicare absconded from the raided place.”

3. With regard to abovementioned seizure, the petitioner was taken into custody on 08.10.2025.
4. Heard.
5. It has been contended on behalf of petitioner that the petitioner is innocent having no nexus, whatsoever, with the commission of crime, and that he has been falsely implicated in the present case. According to learned counsel for the petitioner, the petitioner has no concern, whatsoever, with the operation, running and profit sharing of above-said proprietary firm, namely ‘Lifekare Medicare’, hereinafter being referred to as ‘pharmacy’. As per learned counsel for the petitioner, in fact the petitioner is Director of hospital, namely ‘Lifekare Hospital’, and that the portion of building of



abovementioned hospital has been leased out to a proprietorship firm, namely 'Lifekare Medicare'. As per arguments of learned counsel for the petitioner, the petitioner has no ownership, managerial or operational connection with the abovesaid pharmacy, nor he has any role in day-to-day functioning of the same. As per learned counsel for the petitioner, all the operations pertaining to pharmacy such as procurement, storage, billing and sale of medicines are handled exclusively by co-accused Parveen Kumar in his independent capacity, being sole proprietor of the pharmacy.

6. The learned counsel for the petitioner has further contended that the licence for the pharmacy has been obtained by co-accused Parveen Kumar and in the self-declaration furnished by co-accused Parveen Kumar with regard to abovementioned drug licence he had disclosed that he was the sole proprietor of the abovementioned pharmacy and that he alone would be responsible for the proper conduct of the business of 'Lifekare Medicare'. In view of above, the learned counsel for the petitioner has contended that under any rule of law or precedent or practice, the petitioner cannot be held liable, vicariously or otherwise, for any act or omission attributed to the abovementioned pharmacy or its sole proprietor.

7. In addition to above, the learned counsel for the petitioner has also contended that much before the alleged recovery of intoxicating tablets, beyond the permissible limit, from the abovementioned pharmacy, the relationship between the petitioner and the proprietor of abovementioned pharmacy had become sour, and that due to repeated delay in payment of rent by the proprietor of pharmacy, on 07.04.2025 a complaint was sent to



drug authorities by the petitioner, wherein the drug licence, awarded to co-accused Parveen Kumar, was sought to be cancelled on the ground of various anomalies and irregularities being committed by the abovementioned 'Lifekare Medicare', and its sole proprietor 'Parveen Kumar'.

8. In view of abovementioned contentions, it has been argued by learned counsel for the petitioner that in the present case, it is apparent that the petitioner is alien to the offence being committed by the above-named pharmacy, but he has been prosecuted in the case present case, and is in custody without any fault. Hence the present petition.

9. The abovementioned arguments of learned counsel for the petitioner have been controverted by the learned counsel for the respondent. It has been contended by learned counsel for the respondent that a clever design has been devised by the petitioner to wriggle out of the illegal activities for which he is being prosecuted. According to learned counsel for the petitioner, in fact the pharmacy known as 'Lifekare Medicare' and the hospital known as 'Lifekare Hospital', both are the entities functioning under a company, namely 'Kantha Healthcare Pvt. Ltd.'. According to learned counsel for the respondent, during the course of investigation when the petitioner was interrogated, he had disclosed that 'Kantha Healthcare Pvt. Ltd.' has two Directors, namely the petitioner and 'Bodh Raj', and that the profits being earned by the pharmacy, namely 'Lifekare Medicare' and by the hospital, namely 'Lifekare Hospital', are enjoyed by 'Kantha



Healthcare Pvt. Ltd.’ and the earnings of ‘Kantha Healthcare Pvt. Ltd.’ goes to its two Directors, i.e. the petitioner and ‘Bodh Raj’.

10. While alleging that a facade has been created by the petitioner just to wriggle out of the consequences of violation committed by ‘Lifekare Medicare’ (pharmacy), the learned counsel for the respondent has contended that a false story has been created by the petitioner to the effect that he has no concern, whatsoever, with the operation of ‘Lifekare Medicare’.

11. In addition to above, the learned counsel for the respondent has further contended that in the present case, the direct nexus of petitioner with the commission of crime is reflected from the facts firstly, that the business operation of ‘Lifekare Medicare’ are from the same premises, where ‘Lifekare Hospital’ is situated, and secondly, that both the entities are sharing their profits with ‘Kantha Healthcare Pvt. Ltd.’, and thirdly, that the petitioner and his partner ‘Bodh Raj’ are Directors of ‘Kantha Healthcare Pvt. Ltd.’.

12. It has also been contended by learned counsel for the respondent that in the present case, one of the relevant aspects, to be taken into consideration, is that the orders beyond the limit prescribed under the licence were placed by the pharmacy, and that the abovementioned drug, namely Tricon-P Tramadol tablets, was stored by the pharmacy beyond the permissible limit, and thus there has been violation of terms and conditions of drug licence, which amounts to an offence under 27(b)(ii) of the Drugs &



Cosmetics Act, 1940 and also under Sections 8, 22, 23, 25, 27-A and 29 of NDPS Act.

13. The record has been perused carefully.

14. A perusal of record shows that in the instant case following are the points which needs consideration:-

- i) that there are very specific and categorical plea of the petitioner that 'Lifekare Medicare' and 'Lifekare Hospital' are two different entities. In order to prove that 'Lifekare Medicare' is a proprietorship firm, the copy of drug licence issued in the name of abovementioned pharmacy and the declaration attached with the application-form have been placed on record and a bare perusal of abovementioned licence and the declaration shows that 'Lifekare Medicare', to whom licence was issued, is a proprietorship firm and the proprietor of abovementioned firm is 'Parveen Kumar'. There is nothing on record to show that the company/firm of petitioner, i.e. 'Lifekare Hospital' or 'Kantha Healthcare Pvt. Ltd.' have got any kind of control over the abovementioned proprietorship firm;
- ii) that the premises, wherein 'Lifekare Medicare' is running its business is rented premises, the copy of lease deed has been placed on record and in the abovementioned lease-deed also, it has been specifically mentioned that 'Parveen Kumar' is the sole proprietor of 'Lifekare Medicare'. The abovementioned lease-deed also shows that the shop, where 'Lifekare Medicare' runs its business was leased out to it by 'Lifekare Hospital'. This fact supports the claim of the petitioner that 'Lifekare Medicare' and the 'Lifekare Hospital' are two different entities; and



iii) that it is a specific stand of the petitioner that on 07.04.2025, i.e. much before the raid/recovery of contraband from firm, a complaint was submitted by the petitioner against the 'Lifekare Medicare', wherein due to irregularities being committed by 'Lifekare Medicare', the cancellation of its licence was sought.

15. If the cumulative effect of abovementioned factors is taken into consideration, *prima facie* this claim of the petitioner seems to be convincing that for the business being run by pharmacy, the petitioner was not responsible.

16. To rebut the abovementioned claim of the petitioner, the sole evidence collected by the respondent/Narcotics Control Bureau (NCB) is the confessional statement of petitioner recorded under Section 67 of NDPS Act. With regard to admissibility and probative value of abovementioned confessional statement, the principles of law laid down by the Hon'ble Supreme Court of India in the case of 'Tofan Singh Vs. State of Tamil Nadu', 2021(4) SCC 1, are relevant. In the abovementioned case it has been observed by the Hon'ble Supreme Court of India that confessional statement of accused recorded under Section 67 of NDPS Act cannot be admitted in evidence, as a confession.

17. Taking into consideration the cumulative effect of abovementioned factors, it is hereby observed that in the present case, at this stage there is no *prima facie* evidence to link the petitioner with the commission of crime, i.e. recovery of Tricon-P Tramadol tablets from the premises of 'Lifekare Healthcare', which was allegedly beyond the prescribed limit under the drug licence.



18. As a sequel to abovementioned observations, it is hereby held that despite the quantity of contraband being within the ambit of ‘commercial quantity’, the rigors of Section-37 of NDPS Act are not attracted qua the role attributed to the petitioner.

19. If the facts and circumstances of the present case are analyzed in the light of above-mentioned principles of law, it transpires that:-

- (i) that the petitioner is already in custody for a period of more than three months;
- (ii) that the petitioner has clean antecedents;
- (iii) that nothing is left to be recovered from possession of petitioner;
- (iv) that the investigation and trial are not likely to be concluded in near future;
- (v) that detention of petitioner in judicial lock up is not likely to serve any purpose;
- (vi) that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses; and
- (vii) that there is nothing on record to show that if released on bail, the petitioner will not co-operate/participate in trial.

20. In the present case, the principles of law laid down by the Hon’ble Supreme Court in the case of “Dataram versus State of Uttar Pradesh and another”, 2018(2) R.C.R. (Criminal) 131, are also relevant, wherein it has been observed that “a fundamental postulate of criminal



jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case”.

21. The principles laid down by the Hon’ble the Supreme Court of India in the case of ‘Satender Kumar Antil Vs. Central Bureau of Investigation and Another’, (2022) 10 SCC 51, are also relevant in this case. In the abovementioned case, it has been observed that “the rate of conviction in criminal cases in India is abysmally low. It appears to us that this factor weighs on the mind of the Court while deciding the bail applications in a



negative sense. Courts tend to think that the possibility of a conviction being nearer to rarity, bail applications will have to be decided strictly, contrary to legal principles. We cannot mix up consideration of a bail application, which is not punitive in nature with that of a possible adjudication by way of trial. On the contrary, an ultimate acquittal with continued custody would be a case of grave injustice”.

22. Recently, in the case of ‘Tapas Kumar Palit Vs. State of Chhattisgarh’, 2025 SCC Online SC 322, the Hon’ble Supreme Court of India has observed that “if an accused is to get a final verdict after incarceration of six to seven years in jail as an undertrial prisoner, then, definitely, it could be said that his right to have a speedy trial under Article 21 of the Constitution has been infringed”. It has also been observed by the Hon’ble Supreme Court of India in the abovementioned case that “delays are bad for the accused and extremely bad for the victims, for Indian society and for the credibility of our justice system, which is valued. Judges are the masters of their Courtrooms and the Criminal Procedure Code provides many tools for the Judges to use in order to ensure that cases proceed efficiently”.

23. To elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as mandated by Hon’ble Apex court in “Balwinder Singh versus State of Punjab and Another”, 2024 SCC Online SC 4354.



24. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, it leads to a conclusion that the petitioner is entitled for the benefit of bail, and that the present petition deserves to be allowed.

25. Accordingly, without commenting anything on the merits of the case, the present petition is hereby ***allowed***. The petitioner is hereby ordered to be released on bail on furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court. However the abovementioned concession shall be subject to following conditions:-

- (i) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.
- (ii) that the petitioner shall at the time of execution of bond, furnish the address to the Court concerned and shall notify the change in address to the trial Court, till the final decision of the trial; and
- (iii) that the petitioner shall not leave India without prior permission of the trial Court.

(SURYA PARTAP SINGH)
JUDGE

10.02.2026

Gaurav Thakur

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No