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

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CRM-M-66957-2025 (O&M)
Date of decision: 26.02.2026

Sajjan @ Sonu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Harlove Singh Rajput, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition that has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to him in case bearing FIR No. 107 dated 05.04.2025, registered under Sections 22(b) and 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Sadar Fatehabad, District Fatehabad. His previous petition was dismissed by this Court on 05.08.2025 by making following observations:

“6. The petitioner, who is a registered chemist having a valid license, was apprehended by the police party on 05.04.2025 from outside of his house at village Phulla and recovery of several drugs, as mentioned above, was effected from a bag, which he was holding at that time. The petitioner has placed on record copies of invoices to show that he had purchased the recovered drugs in due course of his business from a registered seller. The main thrust of learned counsel for the petitioner is that since the petitioner is running a chemist

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shop i.e. Sonu Medical Hall at VPO Aehrwan, Tehsil Ratia, therefore, the possession of the recovered medicines by him, even if the same falls within the meaning of psychotropic substance, cannot be said to be unauthorized possession, thereby attracting any penal provisions of the NDPS Act. However, this argument is misplaced. A perusal of the license (Annexure P-3), issued to the petitioner, would reveal that the same has been issued for carrying out the business at a specified premises only which has been described as **‘VPO Ahrawa, Tehsil Rattia Distt Fatehabad, Haryana’**. A perusal of Rule 62 of the Drugs and Cosmetics Rules 1945 would reveal that when a person is authorized to store medicines, the said authorization is for specified premises only and in case business is sought to be carried out from some other premises, a separate license would be required. In other words, the scheme does not provide that a chemist, once authorized, can carry on his business from any premises which he chooses. Further, Rules 62-A, 62-C and 62-D of Drugs & Cosmetic Rules, 1945 would also show that certain provisions have been made for sale by itinerant vendors under some restrictive circumstances but the petitioner has not claimed that he has any such license as an itinerant vendor so as to justify his possession of medicines beyond the licensed premises. It is a case of a recovery of a huge quantity of intoxicating tablets. The petitioner could not produce any document to show that the recovered medicines were in fact in transit having been duly purchased from a registered distributor against some invoice(s). In such circumstances, possession of such tablets which otherwise are meant for some therapeutic use, would be termed as unauthorized even though such possession is by a licensed chemist since such possession is neither from the licensed premises as authorized in the license nor it can be said that

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the medicines were in transit in a legitimate manner. Thus, the fact that the petitioner happens to be a licensed chemist will not confer any immunity upon him in case his possession is found to be under dubious circumstances suggesting it to be a case of misuse of drugs for a purpose other than therapeutic purpose. The possession under such like circumstances, even by a licensed chemist, has to be termed as illegal.

7. Recovery of total 75 tablets of Alprazolam, weighing 16 grams 92 milligrams, was effected from the petitioner. Similarly, recovery of 30 tablets of Clonazepam, weighing 07 grams 30 milligrams, was also effected from him. Though the quantity of the said contrabands does not fall under commercial one, however, total weight of the tablets containing Etizolam was found to be 18 grams 20 milligrams, for which, the commercial quantity is only 2.5 grams. Apart from this, recovery of huge quantity of Tapedodol (*Tapentadol salt*) and Misoprotol tablets was effected from the petitioner, which though do not fall within the purview of NDPS Act but a perusal of the cover letter of the aforesaid license would show that it was specifically mentioned therein that the firm of the petitioner was not authorized to sell/purchase the medicines containing Tapentadol HCL including some other salts. However, he was found in possession of 4500 tablets containing Tapentadol, which attracts application of the provisions of the Drugs and Cosmetic Act.

8. The quantity of the contraband recovered from the petitioner falls under the commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against him as nothing has been produced before this Court so as to believe that he did not commit the subject offence or would not indulged in similar offences if he is

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released on bail. Keeping in view the discussion as made above, the quantity of the recovered contraband, the quantum of the sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that the petitioner does not deserve to be released on bail, at this stage. Hence, the petition is dismissed.”

2. It is argued by learned senior counsel that ever since the dismissal of his previous petition, there has been substantial change in circumstances as challan now stands presented. The petitioner has been able to procure a CCTV footage of the police station concerned, which proves that he was in fact detained by the police on 04.04.2025. It is also argued that the petitioner was not supplied the grounds of his arrest at the time of his apprehension, which was in violation of his constitutional rights. Conclusion of trial is likely to take a considerable time. The petitioner is in custody since 05.04.2025. No useful purpose would be served by keeping him in custody anymore. It is, therefore, urged that the petition deserves to be allowed.

3. *Per contra*, learned State counsel has argued that the previous petition filed by the petitioner was dismissed by passing a detailed order by this Court by taking into consideration the contentions raised by both sides. It is submitted that no drastic change in the circumstances has been pointed out. Even the custody undergone by the petitioner cannot be termed as prolonged keeping in view the gravity of the allegations and the quantum of sentence which the conviction may entail. Mere presentation of challan cannot be stated to be a substantial change in circumstances entitling the petitioner to seek

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concession of bail. Therefore, it is urged that the petition does not deserve to be allowed.

4. This Court has heard the rival submissions.

5. The previous petition filed by the petitioner for grant of regular bail had been dismissed vide order dated 05.08.2025. It is well settled proposition of law that when successive bail applications come before the Court, the Court should be very cautious while considering the same. Successive bail applications can be entertained by the Court when some substantial change is established by the accused thereby making him entitled for grant of bail. Reference in this regard can be made to *State of Maharashtra Vs. Captain Buddhikota Subha Rao, AIR 1989 Supreme Court, 2292*, wherein it was observed so and it was further held that the Court should not pass an order of release of an accused on bail in successive bail application merely establishing some cosmetic change between time gap of two applications. There must be some drastic change during the period between two applications. Reference can also be made to *Kalyan Chandra Sarkar Vs. Rajesh Ranjan @ Pappu Yadav and another (2004) 7 SCC 528*, wherein it was observed by Hon'ble Supreme Court that where the offence alleged against an accused is grave, bail cannot be granted only on the ground of long incarceration.

6. After hearing the contentions as raised by learned counsel for the petitioner, this Court is of the considered opinion that no substantial or drastic change from the date of dismissal of the previous petition as moved by the petitioner has been pointed out or made out from the pleas taken by the petitioner. Mere presentation of challan cannot be termed as substantial change in circumstances. So far as the CCTV footage, relied upon by the petitioner, is

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concerned, the authenticity of the same can be tested only during trial by the learned trial Court after thorough assessment of the evidence produced before it and not by this Court at this stage. There are serious and specific allegations against the petitioner. The trial is also going on at a good pace and there is nothing to show that there would be any undue delay in conclusion of the same. Keeping in view the nature and gravity of the offence, in the considered opinion of this Court, it is not a fit case to enlarge the petitioner on bail, especially in view of the fact that no drastic or material change in the circumstances has been made out. In view of the discussion as made above, this Court is of the considered opinion that the petition does not deserve to be allowed. Hence, the same is dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

26.02.2026

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No