



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

CRM-M-68051-2025 (O&M)
Reserved on : 23.01.2026
Pronounced on : 10.02.2026

Parveen Kumar

..... Petitioner

VERSUS

Union of India

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Argued by : Mr. R.S. Rai, Sr. Advocate with
Mr. Arjun Singh Rai, 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:-



“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, who has been wrongly prosecuted for the commission of abovementioned offence. According to learned counsel for the petitioner, the petitioner is proprietor of a proprietorship firm, authorized to purchase and sale of tramadol tablets. As per learned counsel for the petitioner, the competent authority had issued a licence for the abovesaid trading, and that the limit prescribed under the licence of the petitioner was 500 tablets. With regard to abovementioned limit, it has been contended by learned counsel for the petitioner that at the time of raid, only 472 tablets of Tramadol



(Tricon-P) were recovered, and that the abovementioned quantity of drug was within the prescribed limit.

6. As per learned counsel for the petitioner, the petitioner had been maintaining all statutory records including valid purchase bill from 'Ballista Pharmaceuticals' record regarding online mode of payment as required, sale/purchase register and patient-wise record of dispensation of the tablets. According to learned counsel for the petitioner, on 01.05.2025, i.e. one day before the raid, the petitioner had purchased 500 tablets of Tramadol (Tricon-P) vide bill No.00053, and out of abovementioned stock of 500 tablets, 28 were sold before the raid. The learned counsel for the petitioner has further contended that the Investigating Agency has misconstrued the condition of licence prescribing limit up to 500 tablets. While claiming that the purchases had always been made by the petitioner through an authorized source/authorized means, no violation of any condition of the licence or any other law was committed by the petitioner, but by misinterpretation of conditions of licence, the petitioner has been arrested.

7. In addition to above, the learned counsel for the petitioner has also contended that even if the allegations of NCB/prosecuting agency are accepted on its face value, even then at the most in view of the law laid down in the case of 'Punjab Chemist Association V/s Union of India' CWP No.3610 of 2013 and 'Swaran Singh V/s State of Punjab' CRM-M-22901-2005, the abovementioned violation amounts to violation of condition of licence and the police authorities have no jurisdiction to prosecute for the same violation under NDPS Act.



8. The learned counsel for the respondent/Union of India has controverted the abovementioned arguments. It has been contended by learned counsel for the respondent that in the present case, there is no denial of the fact that a licence had been issued in favour of proprietorship firm of the petitioner, and that vide abovementioned licence, the petitioner was authorized to maintain a stock upto 500 tablets of Tramadol (Tricon-P). According to learned counsel for the respondent, in addition to above there is no denial of the fact that at the time of raid, 472 tablets of Tramadol (Tricon-P) were recovered from the possession of petitioner. As per learned counsel for the respondent, there is no dispute qua the fact that at the time of raid, the drugs recovered from the possession of firm of the petitioner were within the prescribed limit. However, as per learned counsel for the respondent this fact cannot be ignored that on 58 occasions in the past, the petitioner's firm had purchased 1000 tablets in one go from the licensed supplier, namely 'Ballista Pharmaceuticals'. According to learned counsel for the respondent, the abovementioned record being maintained by the petitioner in itself shows that on 58 occasions, the petitioner's firm was in stock of more than 500 tablets as prescribed under drug licence, and thus, the abovementioned documentary evidence in itself is good enough to prove that the petitioner on 58 occasions committed the abovementioned offence of being in possession of drugs beyond the prescribed limit.

9. In addition to above, the learned counsel for the respondent has also contended that since the recovered quantity of drug, which was stocked by the petitioner in the past, comes within the ambit of 'commercial quantity', without satisfying the twin conditions enshrined under Section-37



of NDPS Act, the petitioner is not entitled for the benefit of bail. According to learned counsel for the respondent, any of the twin conditions does not stands satisfied in the present case.

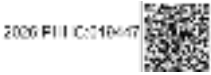
10. The record has been perused carefully.

11. A perusal of record shows that in the present case in view of the facts pleaded by the petitioner and admitted by the respondent, following are the facts which being admitted can be treated to be proved, *prima facie*, at this stage:-

- i) that the petitioner is the proprietor of firm 'Lifecare Medicare';
- ii) that the abovementioned firm is a sole proprietorship firm;
- iii) that the valid licence has been issued by the competent authority under Drugs and Cosmetics Act in favour of abovesaid firm of the petitioner;
- iv) that as per terms and conditions enshrined in the drug licence of the firm of petitioner, the petitioner was entitled to maintain stocks of 500 tablets of Tramadol (Tricon-P) at one point of time; and
- v) that at the time of raid, 472 tablets were recovered in the firm of petitioner.

12. In the light of abovementioned admitted facts, now it has to be determined as to whether any offence against the petitioner is made out or not.

13. With regard to above, it is relevant to mention here that admittedly at the time of raid, various records being maintained by the petitioner including the record regarding purchase and also the stock register were showing that on 58 occasions, the petitioner in one go purchased 1000



strips (1000 tablets) from ‘Ballista Pharmaceuticals’. The purchase of 1000 tablets in one go means that out of these 1000 tablets, 500 tablets were in excess of conditions enshrined in the licence issued to the firm of petitioner under the Drugs and Cosmetics Act. Thus, it is apparent on record in this case that on 58 different occasions, the petitioner was in possession of 500 tablets of Tramadol (Tricon-P) without licence. The possession of abovementioned drug beyond licence conditions amounts to an offence under Sections 8, 22, 23, 25, 27-A and 29 of NDPS Act, and the quantity of abovementioned tablets being within the ambit of ‘commercial quantity’, it is hereby held that without satisfying the twin conditions enshrined under Section-37 of NDPS Act, the petitioner cannot be accorded the benefit of bail.

14. Since, the twin conditions enshrined under Section-37 of NDPS Act does stand complied with in this case, it is hereby held that the petitioner is not entitled for the benefit of bail.

15. Thus, it is hereby held that the present petition being devoid of merit deserves dismissal. The same is hereby *dismissed*, accordingly.

16. However, it is clarified that the abovementioned observations shall not have any bearing upon the merits of the case.

17. Pending miscellaneous application(s), if any, also stand(s) disposed of, accordingly.

(SURYA PARTAP SINGH)
JUDGE

10.02.2026
Gaurav Thakur

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No