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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****CRM-M-73950-2025 (O&M)**
Reserved on : 23.01.2026
Pronounced on : 10.02.2026

Rakesh Sharma @Rakesh Kumar Sharma

..... Petitioner

VERSUS

Union of India

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Argued by : Mr. Rahul Bhargava, Advocate,
Mr. Karan Puri and Mr. Prikshit Thakur, Advocates
for the petitioner.

Mr. Sourabh Goel, Special Public Prosecutor, NCB with
Ms. Himanshi Gautam, 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, 25, 27-A and 29 of 'Narcotic Drugs and Psychotropic Substances Act', hereinafter being referred to as 'NDPS Act', Narcotics Control Bureau, Amritsar Zonal Unit, Amritsar, vide NCB Crime No.14/2025 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



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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 30.10.2025.

4. Heard.

5. It has been contended on behalf of petitioner that the petitioner is neither a partner, nor an employee of any of the firm, where the raid was conducted by the officials of NCB, and that the only link of the petitioner with the present investigation is that, that during the course of raid at the premises of ‘Ballista Pharmaceuticals’, the petitioner and one more person, namely ‘Mahant Rameshanand Saraswati’, were joined as witnesses to the seizure memo prepared by the officials of raiding party. According to learned counsel for the petitioner, the petitioner is a retired employee of Health Department, who has nothing to do with the sale or purchase of any drug either by ‘Ballista Pharmaceuticals’ or by ‘Lifekare Medicare’ or



‘Kantha Healthcare Pvt. Ltd.’. While alleging that the present petitioner is the victim of grave highhandedness by the officials of NCB, who have cooked-up a false story, which fails to convince a prudent mind, the learned counsel for the petitioner has contended that the petitioner is entitled for the benefit of bail.

6. The learned counsel for the respondent has controverted the abovementioned arguments. The learned counsel for the respondent has contended that irrespective of the fact that the petitioner is neither a partner, nor a licence holder of any of the abovementioned three firms, involved in the present case, he is being prosecuted as an accused, because he has been instrumental in the sale of drugs. According to learned counsel for the respondent, in fact the managing partner of firm, namely ‘Ballista Pharmaceuticals’, namely Deepak Bhandari is running a YouTube channel and the petitioner in collusion with Deepak Bhandari had been pressurizing the doctors running various hospitals to prescribe the drugs being sold by Deepak Bhandari’s firm. As per learned counsel for the respondent, the petitioner used to share profit earned by the abovementioned firm.

7. With regard to above, the learned counsel for the respondent has contended that the enquiries were made from the petitioner under Section 67 of NDPS Act, and that he had suffered a confessional statement, wherein he confessed his involvement in the abovementioned activities. According to learned counsel for the respondent, the involvement of petitioner in the commission of illegal activity is also proved from the fact that he transferred Rs.2.50 lacs into the account of Nabhay Bhandari, who is one of the partners in ‘Ballista Pharmaceuticals’.



8. The record has been perused carefully.

9. As far as the confessional statement of petitioner referred to by the learned counsel for the respondent/Union of India is concerned, at the very outset, it is pertinent to mention here that with regard to above, 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, wherein 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.

10. In the present case, admittedly the petitioner is neither a partner, nor an employee of any of the firm, involved in the present case, thus, this Court is unable to comprehend how an alien to the business of a firm can be responsible for the illegal activities of that firm, and how he can be a beneficiary of profits drawn by the abovementioned firm through illegal means. There is no convincing evidence, even *prima facie*, to the abovementioned effect.

11. In view of abovementioned facts and circumstances of the case, following are the factors, which needs consideration: -

- (i) that the petitioner, who is a senior citizen, is already in custody for a period of more than two months and 23 days;
- (ii) that there is nothing on record to show that he was partner of any firm involved in the present case;
- (iii) that there is nothing on record to show that the petitioner had ever drawn any benefit of the business being run by any of the abovementioned firms;

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- (iv) that the petitioner was never found in possession of any contraband;
- (v) that the petitioner has clean antecedents;
- (vi) that nothing is left to be recovered from possession of petitioner;
- (vi) that the investigation and trial are not likely to be concluded in near future;
- (vii) that detention of petitioner in judicial lock up is not likely to serve any purpose;
- (viii) 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
- (ix) that there is nothing on record to show that if released on bail, the petitioner will not co-operate/participate in trial.

12. 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”.

13. 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”.

14. 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”.

15. 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.

16. 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.

17. 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:-



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- (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	Yes/No
Whether Reportable	Yes/No