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

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**CRM-M-30413-2025 (O&M)
Date of decision: 05.08.2025**

Sajjan Singh @ Sonu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Amit Choudhary, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in FIR No. 107 dated 05.04.2025, registered under Sections 21(b) and 22(c) of the NDPS Act, 1985 at Police Station Sadar Fatehabad, District Fatehabad.
2. Brief facts of the case relevant for the disposal of the present petition are that on 04.04.2025, a secret information was received to the effect that the petitioner was doing the work of selling intoxicating tablets and on that day he was standing outside his house at village Phulla along with intoxicating drugs. Believing the information to be reliable, a police party immediately reached near the house of the petitioner and it was noticed that a young man, carrying a black colour polythene bag, was standing there, who on seeing police party, tried to enter into the house but was apprehended with the said bag. He disclosed his name as 'Sajjan @ Sonu', who is the present petitioner. Thereafter, while following the usual formalities as per the NDPS Act, search of the said

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black polythene bag was conducted and the following drugs were recovered:

- (i) 45 tablets of Alprazolam (weighing 09 grams 84 milligrams);
- (ii) 30 tablets of Alprazolam (weighing 07 grams 08 milligrams);
- (iii) 20 tablets of Etizolam (weighing 07 grams 20 milligrams);
- (iv) 30 tablets of Etizolam (total weighing 11 grams);
- (v) 30 tablets of Clonazepam (total weighing 07 grams 30 milligrams);
- (vi) 4500 tablets of Tapedodol;
- (vii) 125 tablets of Misoprostol; and
- (viii) 13 vials including 08 big bottles make No.1 Tata Super Hit and 05 small bottles Tata Super Quality No.1 Patna,

3. Thereafter, the petitioner was asked to produce any license or permit to keep in his possession the recovered drugs, which he could not do. Recovered drugs were taken into possession by the police. Sample parcels were prepared and other formalities were also conducted. During the course of investigation, the petitioner suffered his disclosure statement, wherein he stated that he had purchased the recovered drugs from one Jaiparkash, owner of Vaibhav Medical Agency and also about purchasing Alprazolam tablets from an unknown person at Ratia, Chungi, Fatehabad. Record of the Vaibhav Medical Agency was checked and it was found that it was having a valid license. Challan has not been filed so far.

4. Learned counsel for the petitioner has argued that he has been falsely implicated in this case. In fact, the petitioner is a registered pharmacist and running a medical hall in the name and style of Sonu Medical Hall at VPO

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Aehrwan since 2004. He is having a valid license to sell, stock or exhibit or offer to sell or distribute by retail drugs, which is valid till 07.02.2029. The recovered drugs were purchased by the petitioner against invoices dated 19.02.2025 and 22.03.2025 (Annexures P-4 and P-5). The alleged recovery was effected from the shop premises of the petitioner and not from the place as alleged in the FIR. Previously also, the petitioner was falsely implicated in a case under NDPS Act but he was acquitted by the Court of learned Additional Sessions Judge, Fatehabad, vide judgment dated 22.07.2019. The petitioner has been implicated in this case due to the reason that he had refused to grease the palm of ASI Kapil, who is posted at the police station concerned. Even otherwise, investigation stands completed and challan is to be filed. Conclusion of trial would take a long 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.

4. Status report has been filed by the respondent-State. Learned Assistant Advocate General, Haryana has argued that keeping in view the gravity of the allegations levelled against the petitioner, he is not entitled to get benefit of bail. It is, thus, argued that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

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

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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 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

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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 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

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this Court so as to believe that he did not commit the subject offence or would not indulged in similar offences if he is 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.

9. It is, however, made clear that the observations made herein above are only for the purpose of deciding the present petition and the same shall not be construed as expression of opinion of this Court on the merits of the case.

05.08.2025*Wassem Ansari***(MANISHA BATRA)
JUDGE***Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*