



CRM-M-30396-2025

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

243

**CRM-M-30396-2025
Decided on: 20.08.2025**

Manoj Kumar Sahoo

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Ram Singh Chaudhary, Advocate and
Mr. Samaydeep Singh, Advocate,
for the petitioner.

Mr. Jasdev Singh Thind, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
305	21.12.2022	A Division, Amritsar, Distt. Amritsar	22-C, 27-A, 29 of NDPS Act, 420, 468, 471, 120-B, 34 IPC

1. The petitioner incarcerated in the FIR captioned above had come up before this Court second time under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. As per paragraph 31 of the bail application, the petitioner has no criminal antecedents.
3. The facts and allegations are taken from the status report filed by the State. On 21.12.2022, based on secret information, the Police seized 29,920 intoxicant tablets of Tramadol Hydrochloride from the possession of co-accused Nishan Sharma. The Investigator claims to have complied with all the statutory requirements of the NDPS Act, 1985, and CrPC, 1973. During the investigation, other co-accused were arrested and they further disclosed involvement of other person. During investigation, investigator visited the spot of factory where drugs were being manufactured without authority licence. On the disclosure statement of the owner of the factory, petitioner's name was surfaced that his firm purchased drugs from said owner Usman and 19700 intoxicant tablets, 14925 intoxicant capsules and 45925 intoxicating injections were recovered from him.
4. The petitioner's counsel seeks bail on the grounds of prolonged pretrial custody.
5. The petitioner's counsel prays for bail by imposing any stringent conditions and



CRM-M-30396-2025

contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

6. The petitioner's counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, or commits any offence under the NDPS Act, where the quantity involved is more than half of the intermediate, or commercial quantity, or violates S. 19, or 24, or 27-A of the NDPS Act, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

7. The State's counsel opposes bail and refers to the status report.

REASONING:

8. It shall be appropriate to extract the relevant portions of the following paragraphs of status report, which reads as follows:

"27. That the deponent humbly submits that the details of the total intoxicant tablets, intoxicant capsules and intoxicant injections recovered in this case from different accused persons and name of the drug found present therein, as per reports of RTFSL, Amritsar are as under and reports are annexed as Annexure R-1 to R-4 for kind perusal of this Hon'ble Court:-

Sr. No	Name of accused, from whom recovery was effected	Total drugs	Name of the drug as per report of FSL
1.	Nishan Sharma	29,920 tablets	Tramadol Hydrochloride
2.	Usman Rajput	3,20,000 tablets 4,05,000 capsules	Tramadol Hydrochloride
3.	Rajan Kumar Rishi Kumar	3,56,800 tablets	Tramadol Hydrochloride
4.	Manoj Kumar Sahoo (present petitioner)	45,925 injections	Tramadol Hydrochloride
		14,925 capsules	Tramadol Hydrochloride Paracetamol and Dicylomine
		19,700 tablets	Tramadol Hydrochloride and Paracetamol

28. xxx xxx

The evidence against the petitioner

29. *That the deponent humbly submits that the incriminating evidence available against the present petitioner Manoj Kumar Sahoo is described in detail in the preceding paragraph no.28 of this reply, which is reiterated here and not reproduced for the sake of brevity. It is further submitted that the name of the present petitioner Manoj Kumar Sahoo had been figured in the disclosure statements of the co-accused Usman, Sanjeev Kumar Arora @ Sanjiv Arora, Rishi Kumar, Rajan Kumar and the present petitioner Manoj Kumar Sahoo himself had suffered disclosure statement to the effect that he used to purchase intoxicating tablets and capsules from Usman*



owner of M/s Rapport Remedies despite having knowledge that the manufacturing license of M/s Rapport Remedies of the accused Usman had already been cancelled. He further used to sell these intoxicating tablets/capsules in Punjab an other prohibited States through fake firms A-Pharma, Ms/ T-Sailo Pharmacy, M/s Ashish Medial Agency, M/s Dehradun Medicine and M/s Rare care Pharmaceuticals. It was also disclosed by the present petitioner Manoj Kumar Sahoo that Vikrant Tomar owner of M/s Rare Care pharmaceuticals had told him that he was not having any license. Hence, he (Manoj Kumar Sahoo) had inspired him to prepare a fake license and he would sell him intoxicating drugs. Moreover, 85000/- intoxicating capsules and 3,20,000/- intoxicating tablets, sold to the firm of the petitioner by the accused Usman illegally, were recovered on 25.12.2022 from the premises of the firm of the present petitioner Manoj Kumar Sahoo in presence of Drugs Inspector.

The role of the petitioner

30. That the deponent humbly submits that the present petitioner Manoj Kumar Sahoo along with aforementioned other co-accused persons Usman, Sanjeev Kumar Arora @Sanjiv Arora, Rishi Kumar, Rajan Kumar was involved in drug peddling and was involved in supply of prohibited intoxicant tablets in Punjab and other States. These intoxicant tablets were being received in Punjab from the present petitioner Manoj Sahoo owner of Blue Pen Company, Dehradun on the basis of fake bills of other medicines being used in daily routines. The consignments of intoxicant tablets were transported through Delhi. The drug proceeds were distributed among them.”

9. The name of the contraband is Tramadol, and it constitutes an offense under the following provisions and notifications:

Substance Name	Tramadol
Punishable U/s	S.22(c) of NDPS Act, 1985
Drug's Small & Commercial Qty. suggested by Committee report	
Notification No. & date	S.O. 1762 (E) dated 26.04.2018

<i>Specified as small & Commercial in S.2(viia) & 2(xxiii) NDPS Act, 1985</i>		
Notification No. & dated	S.O.1762(E)	4/26/2018
Sr. No.	238 ZH	
Common Name (Name of Narcotic Drug and Psychotropic Substance (International non-proprietary name (INN)	Tramadol	
Other non-proprietary name	*****	
Chemical Name	*****	
Small Quantity	< 5 Gram	
Commercial Quantity	> 250 Gram	



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Declared as punishable under NDPS Act and as per schedule defined in S.2(xi) & 2(xxiii) NDPS Act, 1985		
Notification No. & dated	S.O.1761(E) & S.O. 3448(E)	26-Apr-2018 & 26-Jul-2018

Sr. No.	110Y
Common Name (Name of Narcotic Drug and Psychotropic Substance (International non-proprietary name (INN)	Tramadol
Other non-proprietary name	*****
Chemical Name	*****

10. The quantity allegedly involved in this case is commercial. Given this, the rigors of S. 37 of the NDPS Act apply in the present case. The petitioner must satisfy the twin conditions set forth by the Legislature under Section 37 of the NDPS Act.

11. The petitioner is entitled to bail because, in somewhat similar cases where the quantity involved was either greater than or close to the amount seized in the current FIR, the Hon'ble Supreme Court has granted bail after prolonged custody, as demonstrated by the following judicial precedent.

12. In *Ajay Khatri v. The State of Rajasthan*, decided on 20-03-2025, SLP (Crl) No. 1228-2025, the Hon'ble Supreme Court holds,

The case of the prosecution is that 6600 Alprazolam Tablets weighing 818.4 grams have been recovered from his possession. He has already undergone more than one year in jail.

Considering the period of incarceration of the petitioner, we are of the opinion that a case of bail is made out for the petitioner and therefore, the prayer for bail is allowed.

13. In *Junaid Alam v. State of Uttarakhand*, decided on 12 Aug 2024, SLP(Crl.) 7708-2024, Hon'ble Supreme Court holds,

[2]. It is pointed out that the petitioner has been in custody for last more than 18 months since he was arrested on 25.01.2023. It is then submitted that only 3 out of the 10 cited prosecution witnesses have been examined and they have not said anything to connect the petitioner with the crime.

[3]. The learned counsel for the State would submit that the concerned Contraband are medicinal drugs but they are sold for profit. Moreover, it is of commercial quantity.

[4]. We have perused the nature of the Contraband i.e., the prohibited medicines (SYP Codectus 100 Bottles (100 Ml each), Cap Pyeevon Spas Plus 720 Cap Parvion Spas 800 Capsules,



CRM-M-30396-2025

Spasonof NF 960 capsules, Capsules Spasmoproxyvon Plus 144, Proxywell Spas 2568 Capsules, Alprasaftable 600 Tablets, Pyeevon Spas Plus 32 Capsules).

[5]. Having considered the above and the fact that the trial is unlikely to conclude on a near date, we are of the view that the petitioner – Junaid Alam deserves to be granted bail. It is ordered accordingly. Appropriate bail conditions be imposed by the trial court.

14. As per the custody certificate dated 19.08.2025, the petitioner's custody in this FIR is of 02 years, 05 months and 27 days.

15. The prolonged incarceration, generally militates against the most precious fundamental right guaranteed under Article 21 of the Constitution and in such a situation, the conditional liberty must override the statutory embargo created under Section 37(1)(b)(ii) of the NDPS Act¹.

16. Following the judicial precedent mentioned above, without commenting on the case's merits, and considering the petitioner's pre-trial custody, the weight of the drugs, coupled with the other factors peculiar to this case, further pre-trial incarceration is not justified at this stage.

CONDITIONS:

17. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above, subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate or duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

18. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.
3.	Mobile number (If available)
4.	E-Mail id (If available)

19. This order is subject to the petitioner's complying with the following terms.

20. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and

¹Supreme Court of India, in Rabi Prakash v. The State of Odisha, SLP (Crl) 4169-2023, Para 4, decided on 13 July 2023



circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

21. Given the background of allegations against the petitioner, it becomes paramount to protect the members of society, detection squad and incapacitating the accused would be one of the primary options until the filing of the closure report or discharge, or acquittal. Consequently, it would be appropriate to restrict the possession of firearms. [This restriction is being imposed based on the preponderance of the evidence of probability and not of evidence of certainty, i.e., beyond a reasonable doubt; and as such, it is not to be construed as an intermediate sanction]. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall surrender all weapons, firearms, and ammunition, if any, along with the arms license to the concerned authority within fifteen days of release from prison and inform the Investigator of the compliance. However, subject to the Indian Arms Act, 1959, the petitioner shall be entitled to renew and reclaim them in case of acquittal in this case, provided otherwise permissible under the concerned rules. Restricting firearms would instill confidence in society; it would also restrain the accused from influencing the witnesses and repeating the offense.

22. The conditions mentioned above imposed by this court are to endeavor to reform and ensure the accused does not repeat the offense and also to block the menace of drug abuse. In *Mohammed Zubair v. State of NCT of Delhi*, 2022:INSC:735 [Para 28], Writ Petition (Criminal) No. 279 of 2022, Para 29, decided on July 20, 2022, A Three-Judge bench of the Hon'ble Supreme Court held that "The bail conditions imposed by the Court must not only have a nexus to the purpose that they seek to serve but must also be proportional to the purpose of imposing them. The courts, while imposing bail conditions must balance the liberty of the accused and the necessity of a fair trial. While doing so, conditions that would result in the deprivation of rights and liberties must be eschewed."

23. In *Md. Tajiur Rahaman v. The State of West Bengal*, decided on 08-Nov-2024, SLP (Crl) 12225-2024, the Hon'ble Supreme Court holds in Para 7, "It goes without saying that if the petitioner is found involved in such like offence in future, the concession of bail granted to him today will liable to be withdrawn and the petitioner is bound to face the necessary consequences."

24. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner's behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

25. This bail is conditional, with the foundational condition being that if the petitioner repeats the offense where the quantity involved is more than half of the intermediate, or



CRM-M-30396-2025

commercial, or violates S. 19, 24, or 27-A of the NDPS Act, or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State shall file an application to revoke this bail before the Special Judge/ Sessions Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may cancel this bail.

26. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

27. In Amit Rana v. State of Haryana, CRM-18469-2025 [in CRA-D-123-2020, decided on 05.08.2025], a Division Bench of Punjab and Haryana High Court in paragraph 13, holds that “To ensure that every person in judicial custody who has been granted bail or whose sentence has been suspended gets back their liberty without any delay, it is appropriate that whenever the bail order or the orders of suspension of sentence are not immediately sent by the Registry, computer systems, or Public Prosecutor, then in such a situation, to facilitate the immediate restoration of the liberty granted by any Court, the downloaded copies of all such orders, subject to verification, must be accepted by the Court before whom the bail bonds are furnished.”

28. **Petition allowed** in terms mentioned above. All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

20.08.2025
Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.