



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

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**CRM-M-21040-2025 (O&M)
Date of decision: 12.05.2025**

Adish Jain

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sandeep Kumar Passi, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. A.G., Punjab.

HARPREET SINGH BRAR J. (Oral)

Prayer in this petition filed under Section 528 of BNSS, 2023, is for issuance of directions to respondents No.1 and 2 to take legal action against respondent No.3 as the District Police Canal Colony Bathinda is now threatening to falsely implicate the petitioner in FIR No.70 dated 11.04.2025, registered under Section 22(c) of the NDPS Act, 1985 and Section 223 of BNS, 2023 (Section 29 of the NDPS Act, 1985, added later on) at Police Station Canal Colony Bathinda, District Bathinda and further to get the medical shop checked in the presence of concerned Drug Officer as the petitioner is not selling any intoxicant medicines of any kind banned on the licence. Further prayer has been made to direct the official respondents to not to take any coercive steps against the petitioner while complying with the notice given to the wife of the petitioner under Section 179 of BNSS, 2023.



Learned counsel for the petitioner, *inter alia*, contends that the jurisdictional police authorities have visited the shop of the petitioner on 16.04.2025 at 06:15 PM and they have served a notice under Section 179 of BNSS, 2023, which was received by the wife of the petitioner. Further submits that respondent No.3 has telephonically informed the petitioner that he is required for ascertaining the source of intoxicant capsules, however, these capsules does not fall under the purview of NDPS Act. Further, the notice does not indicate the purpose, for which the presence of the petitioner is required. The petitioner is running a medical store under the name and style of M/s. Oajas Healthcare at Ambala and is having a valid wholesale and retail license issued under the provisions of Drugs and Cosmetics Act, 1940. Further, the petitioner is maintaining the record of all the sale and purchase of each and every medicine as per the provisions of the Drugs and Cosmetics Act, 1940 and now the petitioner apprehends that he would be implicated by the jurisdictional police authorities in a false case registered under the provisions of the NDPS Act.

Per contra, learned State counsel submits that pursuance to registration of FIR No.70 dated 11.04.2025, registered under Section 22(c) of the NDPS Act, 1985 and Section 223 of BNS, 2023 (Section 29 of the NDPS Act, 1985, added later on) at Police Station Canal Colony Bathinda, District Bathinda, the jurisdictional Magistrate has directed the Senior Superintendent of Police, Bathinda, to enquire into the source of intoxicant tablets recovered in FIR (supra) and as such, pursuance to



the directions issued by the jurisdictional Court, the investigation is being carried out in a free and fair manner and the complicity of the petitioner would be determined only after conclusion of the investigation. Additionally, the petitioner is involved in five cases registered under the NDPS Act. The present petition has been filed as a pre-emptive measure to stop the police authorities from performing their statutory duties and in case, the presence of the petitioner is required, needful will be done strictly in accordance with law.

In view of the specific stand taken by learned State counsel, no further directions are required to be passed.

Disposed of accordingly.

(HARPREET SINGH BRAR)
JUDGE

12.05.2025

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No