

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

2025:PHHC:107734



206

CRM-M-33575-2025 (O&M)

Date of Decision: 19.08.2025.

Jahul Khan

...Petitioner.

Versus

State of Haryana

...Respondent.

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR

.....

Present: Mr. Sandeep Kotla, Advocate for the petitioner.

Mr. R.K. Singla, Addl. A.G., Haryana.

Ms. Puneeta Sethi, Sr. Panel Counsel
for respondent No.2.

SUKHVINDER KAUR, J. (Oral)

Present petition has been filed under Section 482 of BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.81 dated 23.04.2025 under Sections 21-C, 27-A, 29, 61, 85 of NDPS Act, registered at Police Station Ajnala, District Amritsar.

As per prosecution case, on 27.05.2025 at about 5:20 P.M., on the basis of a secret information received by the Department, when a preventive team of Central Narcotics Bureau, New Delhi, reached at the spot, a person came out from the Mehak Medical Store and ran away in the street. People were asked to join as independent witnesses but they refused. The Drug Inspector as well as Sonipat Chemist Secretary were called and they reached at the spot. During the course of further proceedings, 121 bottles of Wincerex Cough Syrup (Codine Phosphate) were recovered from

Mehak Medical Store, Purkhas Road, Mahavir Colony, Sonipat, vide panchnama dated 27.05.2025.

Learned counsel for the petitioner contended that the petitioner has no concern with Mehak Medical Store and he is not proprietor of the said Store. No recovery has been effected from the petitioner. The petitioner was not seen in the CCTV footage. The petitioner has no previous criminal record. He has contended that there is no material on record to connect the petitioner with the offence in the present case. He submitted that the petitioner is ready and willing to join the investigation and the present petition be allowed.

Notice was issued in this case on 01.07.2025 and status report was called from the State, which has been filed on 01.08.2025 and the same is taken on record.

Per contra, learned State counsel has opposed the petition while contending that the petitioner is proprietor of Mehak Medical Store from where 121 bottles of Wincerex Cough Syrup (Codine Phosphate) were recovered, which falls within the ambit of 'commercial quantity'. The petitioner ran away from the spot and search was also video-graphed and as such he is not entitled to the concession of anticipatory bail.

Heard.

As per the allegations in the present case, the petitioner is sole proprietor of Mehak Medical Store from where recovery of 121 bottles of Wincerex Cough Syrup (Codine Phosphate) was allegedly effected, which falls within the ambit of 'commercial quantity'. The petitioner ran away from the spot. The raid was also witnessed by Parvesh Sharma, Secretary and Nikhil, Member, Chemist Association, Sonipat as independent witnesses.

The investigation in the present case is still going on. While referring to the status report placed on record, learned State counsel has also submitted that as per letter received from Sadar Police Station, Sonipat (Annexure R-2/2), the petitioner had a past criminal history. Since the quantity of aforesaid 121 bottles of Wincerex Cough Syrup (Codine Phosphate) falls within the ambit of 'commercial quantity' it attracts bar of Section 37 of NDPS Act.

Keeping in view the specific allegations and peculiar circumstances regarding involvement of the petitioner in the present case, no ground for granting anticipatory bail to the petitioner is made out. His custodial interrogation is required to ascertain the origin of contraband and for taking the investigation to its logical end. Denial of custodial interrogation of the petitioner will adversely effect the investigation in the present case.

Accordingly, the present petition stands dismissed. However, nothing observed herein above shall be construed to be an expression of opinion on the merits of the case. The observations recorded above are only for the purpose of deciding the present bail petition.

(SUKHVINDER KAUR)
JUDGE

19.08.2025.

Komal

Whether speaking/reasoned? : Yes/ No
Whether reportable? : Yes/ No2