

CRM-M-46779-2025 and 07 other connected cases

2026:PHHC:020996



119 (8 cases)

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

**1. CRM-M-46779-2025**

Aashish Verma

....Petitioner

versus

Union of India though Narcotics Control Bureau, Amritsar Zonal Unit,  
Amritsar

....Respondent

**2. CRM-M-54085-2025**

Manpreet Singh

....Petitioner

versus

Union of India

....Respondent

**3. CRM-M-50635-2025**

Kaushik

....Petitioner

versus

Union of India, NCB, Amritsar

....Respondent

**4. CRM-M-50370-2025**

Arjun Singh

....Petitioner

versus

State of Punjab and another

....Respondents

**5. CRM-M-23076-2025**

Naveen Gupta

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....Petitioner

versus

Union of India through Sub Inspector, NCB,  
Amritsar Zonal Unit

....Respondent

**6. CRM-M-44507-2025**

Sonu Singh

....Petitioner

versus

Union of India

....Respondent

**7. CRM-M-52984-2025**

Sukhpal Singh

....Petitioner

versus

Union of India through Sub Inspector ,  
NCB, Amritsar Zonal Unit

....Respondent

**8. CRM-M-25638-2025**

Harsh Kumar

....Petitioner

versus

Union of India, NCB, Zonal Unit, Amritsar

....Respondent

**Date of Decision: February 11, 2026**

**Date of Uploading: February 12, 2026**

**CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

**Present:-** Dr. Anmol Rattan Sidhu, Senior Advocate with  
Mr. Pradeep Sharma, Advocate,  
Mr. Kanishk Swaroop, Advocate for the petitioner  
(in CRM-M-46779-2025).

Mr. Shyam Babu, Advocate and  
Mr. Antesh Kumar Mishra, Advocate for the petitioner  
(in CRM-M-50635-2025).

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Mr. Gurmeet Singh Saini, Advocate for the petitioner  
(in CRM-M-54085-2025).

Mr. Ruhani Chadha, Advocate for the petitioner  
(in CR-M-52984-2025).

Mr. Ajay Kumar, Advocate for the petitioner  
(in CRM-M-25638-2025).

Ms. Navjot Kaur, Advocate for the petitioner  
(in CRM-M-23076-2025 and CRM-M-44507-2025).

Mr. Hukam Singh, Advocate for the petitioner  
(in CRM-M-50370-2025).

Mr. Adhiraj Singh Thind, AAG Punjab  
(in CRM-M-50370-2025).

Mr. Rajiv Sharma, Special Public Prosecutor with  
Ms. Indu Bala Sharma, Advocate,  
Mr. Vinayak Atri, Advocate and  
Ms. Amrit Kashyap, Advocate for the respondent – NCB.

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**SUMEET GOEL, J. (ORAL)**

By way of the present common judgment, this Court proceeds to adjudicate the aforesaid eight petitions together in view of the admitted commonality of factual matrix and congruity of legal issues involved therein, as fairly conceded by the learned counsel appearing for the respective parties.

For the sake of convenience & brevity, the facts are extracted from *CRM-M-46779-2025* titled as *Aashish Verma versus Union of India, through Narcotics Control Bureau, Amritsar Zonal Unit, Amritsar*.

2. Present petitions have been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking grant of regular bail to the petitioner(s), in NCB Crime Case No.51 dated 08.12.2024, registered under Sections 8, 8(a), 22, 25, 27-A, 29, 35, 54 & 60

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of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), at Police Station NCB, Amritsar Zonal Unit, Amritsar.

3. As per case setup by the Narcotics Control Bureau, the complaint in question pertains to recovery of a commercial quantity of contraband, i.e. 1,37,11,610 tablets (total weighing 5772.584 Kg. *albeit* with strips) containing Alprazolam, Tramadol and Zolpidem Tartrate.

4. Learned senior counsel for the petitioner (in CRM-M-46779-2025) has argued that the petitioner is in custody since 23.05.2025. Learned senior counsel has further submitted that mandatory provisions of the NDPS Act have not been scrupulously complied with, and thus, the prosecution case suffers from inherent defects. Learned senior counsel has iterated that the trial has not progressed with due expedition and the delay thereof cannot be fastened upon the petitioner. Learned senior counsel has iterated that the petitioner is one of the directors of the IKON Pharmachem Private Limited, a duly licensed pharmaceutical entity, situated in Dehradun, authorized to manufacture and distribute drugs and that the Company holds valid license under Schedules C, C(I) and X of the Drugs and Cosmetics Rules, 1945. Learned senior counsel has argued that the said company has not effected any direct sale to individual unauthorized entities lacking requisite licences. Learned senior counsel has argued that Embit Bio Medix, a duly registered and authorized dealer/ distributor under the Drug and Cosmetic Rules, 1945, holding a valid licence for the period 27.02.2023 to 26.02.2028, had placed lawful purchase order(s) with IKON company. Learned senior counsel has argued that the entire record of the company duly stands supplied to the

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investigating officer and even the complaint has already been filed by the NCB. Learned senior counsel has further argued that rigors of Section 37 of the NDPS are not attracted in the present case as neither any offence has been committed by the company nor has it indulged into any illegal sale/ activities as alleged by the NCB.

4.1. Learned counsel for the petitioner (in CRM-M-54085-2025), apart from submissions made by learned Senior counsel, as aforesaid, has argued that the petitioner is in custody since 09.01.2025. Learned counsel has argued that the petitioner was not named in the complaint in question and has been implicated, in this case, only on the basis of disclosure statement of co-accused, namely, Daljit Singh alias Heera Singh. Learned counsel has iterated that except the said disclosure statement, there is nothing other evidence available to connect the petitioner with the alleged recovery.

4.2. Learned counsel for the petitioner (in CRM-M-50635-2025), while adopting the submissions made by learned Senior counsel, as aforesaid, has argued that the petitioner is in custody since 18.04.2025. Learned counsel has argued that the petitioner was neither named in the secret information nor was his name disclosed by any of the co-accused, from whose possession the alleged contraband was recovered. Learned counsel has argued that the petitioner is proprietor of Embit Bio Medix, a duly licensed firm engaged in marketing, wholesale dealership and distribution of pharmaceutical medicines under Drugs and Cosmetics Act. Learned counsel has iterated that no material exists to demonstrate that the petitioner sold alleged medicines to any co-accused or that any person has alleged the procurement of the same from the

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petitioner. Learned counsel has iterated that alleged counterfeit and spurious medicines recovered from co-accused bear no nexus with the petitioner. Learned counsel has iterated that the petitioner appeared before the NCB on several occasions and fully cooperated with the investigation, however, the NCB illegally issued LOC against the petitioner. Learned counsel has argued that statutory embargo under Section 37 of the NDPS Act is not attracted in this case and no direct link exists between the petitioner and the alleged sale of counterfeit Embit brand medicines by Ram Kewal of JR Pharmaceuticals.

4.3. Learned counsel for the petitioner (in CRM-M-50370-2025), apart from submissions made by learned Senior counsel, as aforesaid, has argued that the petitioner is in custody since 23.05.2025. Learned counsel has iterated that the petitioner runs a company with the name "Life Care Pharma", which is registered under the Drugs and Cosmetics Rules, 1945. Learned counsel has iterated that the petitioner company has not sold even a single tablet to any individual or in the open market. Learned counsel has iterated that none of the co-accused is known to the petitioner. Learned counsel has further iterated that there is no evidence available with the prosecution to connect the petitioner with the offence in question.

4.4. Learned counsel for the petitioner (in CRM-M-23076-2025), apart from submissions made by learned Senior counsel, as aforesaid, has argued that the petitioner is in custody since 04.01.2025. Learned counsel has further iterated that the petitioner has been nominated in this case on the basis of disclosure statement of co-accused, namely, Sonu, which is not permissible in law.

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4.5. Learned counsel for the petitioner (in CRM-M-44507-2025), apart from submissions made by learned Senior counsel, as aforesaid, has argued that the petitioner is in custody since 08.12.2024. Learned counsel has further iterated that the petitioner is running a Chemist shop under the name and style of M/s H.B. Pharma having valid and legal drug licence upto 10.05.2026.

4.6. Learned counsel for the petitioner (in CRM-M-52984-2025), apart from submissions made by learned Senior counsel, as aforesaid, has argued that the petitioner is in custody since 09.12.2025. Learned counsel has argued that on the basis of secret information, the petitioner has been falsely implicated into the FIR in question and the story put-forth by the prosecution is concocted one.

4.7. Learned counsel for the petitioner (in CRM-M-25638-2025), apart from submissions made by learned Senior counsel, as aforesaid, has argued that the petitioner is in custody since 03.01.2025. Learned counsel has iterated that the petitioner has been implicated, in this case, on the basis of disclosure statement of co-accused, namely, Sonu Singh. Learned counsel has further argued that allegedly the petitioner made deliveries of psychotropic medicines under the directions of one Varun Kumar, but said confessional statement is not permissible in law.

Apart from the above, learned senior counsel and other counsel, in respective cases, have argued that upon culmination of investigation, challan stands presented and total 50 prosecution witnesses have been cited, out of which, none has been examined till date. Nothing is to be recovered

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from the petitioners. The petitioners have suffered substantial incarceration and no useful purpose would be served by keeping the petitioners behind bars. Thus, regular bail is prayed for.

5. *Per contra*, learned counsel for the respondent – NCB has opposed the present petitions by arguing that the allegations raised against the petitioner(s) are serious in nature and, thus, the petitioner(s) do not deserve the concession of the regular bail.

5.1. Raising submissions in tandem with the reply dated 09.09.2025 and additional reply dated 16.10.2026, already on record, learned counsel for the respondent – NCB has argued that the role of the petitioner (Aashish Verma) reads thus:

*“12. That, That the petitioner, Aashish Verma, was one of the directors of IKON Pharmaceuticals and was previously arrested by the personnel of NCB Amritsar in connection with NCB Amritsar Crime No. 04/2024.*

*13. That an application was filed before the Hon'ble Court at Amritsar seeking issuance of production warrant for five days of NCB remand of the accused, Aashish Verma, So Lt. Umesh Chand (Director of IKON Pharmaceuticals, on 21.05.2025, The Hon'ble Court granted two days of NCB remand, as the accused was already in judicial custody in NCB Amritsar Crime No. 04/2025.*

*14. That during the remand period, a notice under Section 67 of the NDPS Act, 1985 was issued to the accused, Aashish Verma, So Lt. Umesh Chand Verma, Ro 852, Indira Nagar Colony, Dehradun, Uttarakhand. The accused was informed of the provisions of Section 67 of the NDPS Act. 1985.*

*15. That the voluntary statement of the accused, Aashish Verma, was recorded, wherein he admitted his involvement in the instant case. He disclosed that he had sold approximately one crore Nox tablets to Kaushik's firm, Embit Bio Medix, despite knowing that the firm's drug license had previously been canceled by the drug authority due to irregularities in the sale of Nox tablets.*

*16. That he further disclosed that Kaushik sold the Nox medicines in the black market in exchange for large sums of money, while maintaining proper documentation to evade legal proceedings. He stated that he was aware Kaushik sold Nox medicines to various firms that existed only on paper and were not operational in reality.*

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17. That the petitioner also disclosed that, despite knowing all the facts about Embit Bio Medix and its involvement in the diversion of Nrx medicines into the black market, he continued to sell large quantities of Nox medicines, motivated by the prospect of high profits.

18. That he further disclosed selling a substantial quantity of Nrx medicines to Tiwari Medicose, situated in Dehradun. He stated that the said firm was not operational in the field and was managed by one Prafull Sharma. He also admitted that the firm was registered in the name of Meera Tiwari, whom he had never contacted.

19. That based on his voluntary statement under Section 67 of the NDPS Act, he was arrested and subsequently produced before the Hon'ble Court of JMIC, Amritsar, Punjab, on 25.05.2025, along with the relevant documents. The Court granted judicial custody.

20. That the recovery in the present case is a commercial quantity and is covered under section 37 of the NDPS Act. The case comes under the strict provisions of section 37 of the Act as far as the provision of bail is concerned. The petitioner was working in a very planned manner with other co-accused and in case bail is granted to the petitioner, he shall indulge in similar activities as he has in depth experience of the illegal trade.”

5.2. Raising submissions in tandem with the reply dated 04.01.2026, already on record, learned counsel for the respondent – NCB has argued that the role of the petitioner (Manpreet Singh) reads thus:

“3. That the petitioner is not entitled for concession of bail U/s 483 of Bharatiya Nagrik Suraksha Sanhita (BNSS), 2023 in view of the facts and circumstances of the present case and under the NDPS Act, 1985. The Narcotics Control Bureau (NCB) received secret information indicating that two individuals, Sukhpal Singh son of Darshan Singh, resident of Raiya Mod, Beas, Amritsar, and Harvinder Singh son of Gurbachan Singh, resident of Bulle Nangal, Beas, Amritsar, were involved in the illegal sale and purchase of psychotropic medicines. Acting on this intelligence, a search was conducted, leading to the recovery of 35,120 tablets of Alprazolam and 1,220 tablets of Tramadol. Consequently, the accused Sukhpal Singh and Harvinder Singh were arrested. The case property, along with the accused, was subsequently presented before the Hon'ble Court, and proceedings under Section 52-A of the NDPS Act were conducted.

4. That during the course of the investigation, Sukhpal Singh admitted the mode and factum of recovery and he disclosed the name of Sonu Singh, which led to the recovery of 11,400 tablets of Tramadol and 9,600 tablets of Alprazolam, along with the arrest of Sonu Singh. It is pertinent to mention here that Sonu Singh, during his interrogation, revealed that he had been receiving deliveries from Varun Kumar and his associate, Harsh Kumar. During the investigation, Harvinder Singh, disclosed the name of another individual, Diljit Singh, also known as Heera Singh, which led to the recovery of 10,000 tablets of Tramadol, along with the arrest of Heera Singh.

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5. That the accused Heera Singh in his voluntary statement dated 13.12.2024 also disclosed that he had been receiving deliveries of psychotropic Tablets from an individual named Manpreet Singh, who was a friend of his son, Navjot Singh. He further stated that Manpreet Singh was using the mobile number 8196866802, and he also identified the photograph of Manpreet Singh.

6. A notice under Section 67 of the NDPS Act, issued to Manpreet Singh So Jogindher Singh R/o Pyramid City, Golden Gate, Amritsar for recording his statement. In his statement dated 08.01.2025 & 09.01.2025 he stated that he purchased and gave 10,000 tramadol tablets to Hira Singh approx. 05 days before the aforesaid psychotropic Tablets was seized by NCB Amritsar. The same tablets were given to Hira Singh because Navjot Singh So Hira Singh had asked him to do so. Both Manpreet Singh and Navjot Singh used to arrange the psychotropic Tablets from Ludhiana, Sher Singh Katra market, Amritsar and gave these to Hira Singh so that he could sell these psychotropic Tablets in the illegal market. Manpreet Singh used to keep these psychotropic Tablets in his house/warehouse and further handed over the psychotropic Tablets to Heera Singh in the direction of Navjot Singh So Heera Singh. He also identified the photograph of Navjot Singh and Heera Singh. Based on the voluntary confessional statement recorded under Section 67 of the NDPS Act (1985), Manpreet Singh So Jogindher Singh, was arrested on 09/01/2025 at 1425.

During course of investigation, Mobile Data of recovered mobile phones form Heera Singh and Manpreet Singh was extracted and found that there were 96 WhatsApp Call between Heera Singh and Manpreet Singh and 55 WhatsApp call between Manpreet Singh and Navjot Singh. Extracted data of the recovered mobile phone received form Systools Pvt. Ltd. the same has been attached with the complaint in Crime No. 51/2024 dated 02.06.2025.

7. That, during course of investigation, it comes to light that out of recovered medicine, 7143480 tablets were manufactured by IKON Pharmaceuticals, Dehradun and marketed by Embit Bio Medix, Poanta Sahib in collusion with each other in contravention of the provision of NDPS Act. An inquiry was conducted at the premises of M/s Embit Bio Medix, which was found to be a single-shutter shop. In fact, A team from NCB Amritsar visited the premises of M/s Embit Bio Medix and found a single shop, which was closed and not operating regularly. No representatives or staff were present. A notice under Section 67 of the NDPS Act was affixed, directing proprietor Mr. Kaushik to appear, but he did not turn up.

The proprietor, of M/s Embit Bio Medix Mr. Kaushik, was issued a notice under Section 67 of the NDPS Act, 1985 directing him to record his statement. The notice was also affixed to the shutter of the premises; however, he did not respond. Additional inquiries/ Raid were made at residence of Mr. Kaushik in Burari, Delhi, where it was discovered that Mr. Kaushik was also operating another firm, Aashi Pharmaceuticals, located in Bhawana, Delhi. It is pertinent to mention here that second notice under Section 67 of the NDPS Act was issued and served to Mr. Kaushik's father, Mahender Pal, despite two notices being issued to Mr. Kaushik under Section 67 of the NDPS Act, he failed to appear. Consequently, a Look-Out Circular (LOC) was issued in his name.

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8. That on 18.04.2025, the Bureau of Immigration, Delhi informed the office that Mr. Kaushik had been detained at IGI Airport. The NCB Team went to the airport, where Mr. Kaushik was handed over by the immigration authorities. A voluntary statement of Mr. Kaushik was recorded under Section 67 of the NDPS Act, in which he admitted that he had opened M/s Aashi Pharmaceuticals under Deepak Ram's name to conceal his involvement after the Delhi Drug Authority revoked the license of his previous business namely M/s Embit Bio Medix, due to its involvement with trafficking of NRx medicine. Mr. Kaushik also confessed that he re-established M/s Embit Bio Medix in Poanta Sahib, Himachal Pradesh, hiding the cancellation of his previous license. He further admitted that he opened M/s Aashi Pharmaceuticals in Deepak Ram's name to illegally sell NRx medicines for profit.

9. That Mr. Kaushik, fearing apprehension of arrest attempted to flee to Vietnam to evade legal consequences. Based on his voluntary statement, he was arrested under Sections 8 and 22 of the NDPS Act on 18.04.2025. On 20.04.2025, the NCB Team conducted a search operation at the premises of M/s Embit Bio Medix and recovered 19,25,200 Tramadol tablets. A follow-up action was also carried out at M/s Aashi Pharmaceuticals, where additional seizure of 8328460 tablets of Tramadol, 2966400 tablets of Alprazolam and 424200 tablets of Zolpidem were seized.

10. That is pertinent to mentioned here that the licence of Embit Bio Medix, M/s Aashi Pharmaceuticals have also been cancelled by the Drug Authorities, keeping in view the offence committed by the aforementioned firms in contravention of provision of the NDPS Act. The copies of the cancellation orders passed by the authorities are attached herewith as Annexure R/4 to R/5. In fact, the aforementioned drugs were manufactured by IKON Pharmaceuticals, Dehradun and marketed by Embit Bio Medix and M/s Aashi Pharmaceuticals in contravention of the provisions of the NDPS Act. In other words, the petitioner in collusion with the co accused and with malafide intention, committed the heinous offence.”

5.3. Raising submissions in tandem with the reply dated 11.11.2025 and additional reply dated 16.01.2026, already on record, learned counsel for the respondent – NCB has argued that the role of the petitioner (Kaushik) reads thus:

“3. That during the course of the investigation, Sukhpal Singh admitted the mode of factum recovery and he disclosed the name of Sonu Singh, which led to the recovery of 11,400 tablets of Tramadol and 9,600 tablets of Alprazolam, along with the arrest of Sonu Singh. It is pertinent to mention here that Sonu Singh, during his interrogation, revealed that he had been receiving deliveries from Varun Kumar and his associate, Harsh Kumar. During the investigation, Harvinder Singh, disclosed the name of another individual, Diljit Singh, also known as Heera Singh, which led to the recovery of 10,000 tablets of Tramadol, along with the arrest of Heera Singh.

4. That, during course of investigation, it comes to light that some of

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*Recovered medicines were manufactured by IKON Pharmaceuticals, Dehradun and marketed by Embit Bio Medix, Poanta Sahib. An inquiry was conducted at the premises of M/s Embit Bio Medix, which was found to be a single-shutter shop. The proprietor, of M/s Embit Bio Medix petitioner, was issued a notice under Section 67 of the NDPS Act, 1985 directing him to record his statement. The notice was also affixed to the shutter of the premises; however, petitioner did not respond. Additional inquiries were made at petitioner residence in Burari, Delhi, where it was discovered that petitioner was also operating another firm, Aashi Pharmaceuticals, located in Bhawana, Delhi. It is pertinent to mention here that second notice under Section 67 of the NDPS Act was issued and served to petitioner father, Mahender Pal, despite two notices being issued to petitioner under Section 67 of the NDPS Act, he failed to appear. Consequently, a Look-Out Circular (LOC) was issued in his name.*

*5. That during investigation it was revealed that M/s Aashi Pharmaceuticals was licensed in the name of Deepak Ram, who worked for petitioner and all the activity related to purchase and sell were managed by petitioner. A large quantity of NRx medicine was found stored at the premises of Aashi Pharmaceuticals. When Deepak Ram was asked to produce the relevant documents related to the stored medicines, he failed to do so, citing that all such documents were in possession of the petitioner. The petitioner was thereafter formally notified by official mail and was instructed to provide the requested documentation.*

*6. That on 18.04.2025, the Bureau of Immigration, Delhi informed the office that petitioner had been detained at IGI Airport. The NCB Team went to the airport, where petitioner was handed over by the immigration authorities. A voluntary statement of petitioner was recorded under Section 67 of the NDPS Act, in which he admitted that he had opened M/s Aashi Pharmaceuticals under Deepak Ram's name to conceal his involvement after the Delhi Drug Authority revoked the license of his previous business, M/s Embit Bio Medix, due to its connection with trafficking NRx medicine. Petitioner also confessed that he re-established M/s Embit Bio Medix in Poanta Sahib, Himachal Pradesh, hiding the cancellation of his previous license. He further admitted that he opened M/s Aashi Pharmaceuticals in Deepak Ram's name to illegally sell NRx medicines for profit.*

*7. That the petitioner, fearing apprehension, attempted to flee to Vietnam to evade legal consequences. Based on his voluntary statement, he was arrested under Sections 8 and 22 of the NDPS Act on 18.04.2025. On 20.04.2025, the NCB Team conducted a search operation at the premises of M/s Embit Bio Medix and recovered 19,25,200 Tramadol tablets. A follow-up action was also carried out at M/s Aashi Pharmaceuticals, where additional seizure of 8328460 tablets of Tramadol, 2966400 tablets of Alprazolam and 424200 tablets of Zolpidem were seized.*

*8. That further investigation revealed that Rishi Mishra, a manager at M/s Embit Bio Medix, was arrested in connection to the FIR No. 468/24 for his involvement in trafficking NRx medicine. In his voluntary statement, Mishra revealed that he sold NRx medicine to a firm called Laxmi Pharma in order to obtain documents related to the sale. However, Laxmi Pharma subsequently sold the NRx medicine to unauthorized persons namely Rishi Mishra, with the entire trail leading back to petitioner and he was selling the*

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*Nrx medicine to black market with help of Rishi Mishra, Vimal Panday and other.”*

5.4. Learned counsel for the respondent – NCB has filed reply dated 15.11.2025 on behalf of the respondent, in the Court today, which is taken on record. Raising submissions in tandem with the said reply, he has argued that the role of the petitioner (Arjun Singh) reads thus:

*“9 .That the petitioner's marketing company name Life Care Pharma first time came into knowledge with the seizure of 10.000/- tablets of Clovedall-100 SR Tablets containing tramadol under Panchnama dated 12.12.2024(attached as Page no 216 to 223 in complaint of NCB AZU crime no. 51/2024) from the possession of accused Heera Singh where it came to knowledge that the above seized tablets was manufactured by J.R. Pharma Haridwar and Marketed by Life Care Pharma, Kolkata and manufacturing date November 2024 and expiry date is October 2026. During course of investigation it was revealed that Life Care Pharma is having registered address is Kirana Store Ground, Ground Floor, 80/2, Tiljala Road, Kushtia, Kolkata, West Bengal, 700039.*

*10. That during course of investigation a letter dated 15.01.2025(enclosed herewith as Annexure R/9) was written to Additional Director Kolkata Zonal Unit regarding seizure of 10,000 tablets marketed by Life Care Pharma. It is further submitted that in connection with NCB crime no 04/2025 verification conducted by NCB Kolkata Zonal unit regarding above company Life Care Pharma at his given address, it came to light there was no such company at the given address and on further enquiry it was revealed that above company was moved approx. six months ago from the date of 10.04.2025 and there was no clue about the whereabouts of this company.(letter of Kolkata Zonal unit was attached). It is further submitted that huge quantity of tramadol tablets manufactured by J.R. Pharma for life care Pharma had been delivered on the above address despite the fact that the above address was not physically existed from six months from 10.04.2025 on the said address of Life Care Pharma which is also confirmed by the owner of the said premises and which clearly indicates that delivery of entire medicine was not delivered to the said address but was done at different locations with the connivance of manufacturer as well as petitioner for diverting the same in illegal drug market. Some documents like Purchasing order, E-way bill, Invoice and biltyattached herewith as Annexure R/8) clearly indicates that deliberate delivery of Nrx medicine including tramadol was done at old address ie. Kirana Store Ground, Ground Floor, 80/2, Tiljala Road, Kushtia, Kolkata, West Bengal, 700039 illegally for diverting the medicine despite the fact the above firm vacated the place much before the delivery.*

*11. The petitioner disclosed in his voluntary statement dated 23.05.2025 and 24.05.2025 that he has illegally purchased approx. one crore seventy lakhs tramadol tablets from J.R. Pharma and sold the same in different either fictitious or inactive firms based in delhi, Jodhpur, Jaipur, Lucknow, Kolkata, Bhilwara in order to divert the same for making more money. Above based firm like RV Pharma, Shyam Pharma, Mahalaxmi Pharma,*

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*Well world Pharmaceuticals, Care first Pharmacy, RD Distributors, Blueberg Pt Ltd etc are under investigation and there are more conspirators likely to be arrested if any in coming days. Arjun Singh further disclosed in his statement dated 24.05.2025 that he has submitted document regarding of illegal sale purchase of tramadol in NCB Case No. 04/2025.(Page no. 431 to 435 of complaint of NCB case no. 51/2024)*

*12. That the trafficking chain of illegal medicine is very big and it captured many states and many white and blue collar persons are involved in this racket which are operating the entire illegal business under either very basic minimum legal requirements acquired by fake documents or fictitious addresses for keeping himself away from the eye of law.*

*13. That the case involves commercial quantity of drugs. It has been prima facie established that accused Arjun Singh has sold Tramadol tablets 1 crore and 70 lakhs in numbers. He purchased these psychotropic drugs from JR pharma and sold to many fictitious firms illegally. This not only violative of the provisions of the NDPS act however also grossly damaging for the society as a whole. Resultantly applicant contravened the provisions of Sec 8,22,25, 27-A, 29, 35, 54 & 60 of NDPS act. His guilt is established beyond reasonable doubt and accordingly his bail application vide number 4782 of 2025 is dismissed by the Hon'ble NDPS court Amritsar vide order dated 11/08/25.*

*14. That as per the disclosure statement accused has sold the contraband psychotropic medicine to RV pharma, Kalyanpur, Delhi, Shyam Pharma, Bhilwara, Rajasthan, Mahalakshmi pharma, Jodhpur, Rajasthan, well world pharmaceuticals, Jaipur, Rajasthan, Care first pharmacy, Lucknow, RD distributors, Jodhpur, Rajasthan, Blueberg Pvt Ltd, Bada Bazaar, Kolkata. Accused fully aware of the fact that selling contraband psychotropic medicines to these firms will result in spreading widespread abuse of NRX medicines. Some of these firms are non-GST compliant apart from the fact that one firm namely RV Pharma got his licence cancelled due to illegal trafficking of tramadol. Others above mentioned firms are under scanning and investigation in this regard is going on and accordingly supplementary complaint will be filed in due course of time.*

*15. That during the course of the investigation it has been established that the some of the recovered medicine was manufactured by JR Pharma Haridwar whose owner is Ram Kewal and marketed by Life care Pharma., Kolkata, whose owner is Arjun Singh. The present accused is also accused in another NCB crime case 04/2025. This fact that he is already in judicial Pharma custody in another NCB crime case 04/2025 and that his statement was recorded by the IO under Sec 67 of the NDPS Act, 1985. Accused had criminal antecedents and that his plea of false implication is without merit and has no legal basis.*

*16 That as per the Panchnama dated 11/12/2024 wherein 20 packets of clovedol (Tramadol hydrochloride 100 mg) in total 10,000 tablets of Tramadol were seized from accused Heera singh S/O sardar Charan singh. All these seized psychotropic contraband drugs were manufactured in the month of November and December 2024 by JR pharma, Haridwar whose owner is Ram kewal and marketed by Life care Pharma whose owner is petitioner himself. Thus, the contention of the accused that there is no*

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*recovery from him will be of no avail and the offence of trafficking has been prima facie established against the petitioner.”*

5.5. Raising submissions in tandem with the reply dated 11.11.2025, already on record, learned counsel for the respondent – NCB has argued that the role of the petitioner (Naveen Gupta), is as under:

*“(a) evidence against the petitioner's (b) role of the petitioner. (a) Evidence against the petitioner:- It is submitted that the petitioner name came during investigation first time in statement of accused no. 6, Harsh Kumar as Harsh Kumar stated that he along with his friend Varun Kumar used to take illegal Tramadol medicines and other NRx medicines from one person named Manish Kumar who is the brother of Naveen Kumar (Petitioner) and both are running welfare Medicos and welfare medical store in Katra Sher Singh, Amritsar and accused no. 6 Harsh Kumar took the team to the above addresses but Manish Kumar absconded from the place after seeing the team but Naveen Kumar (Petitioner) was available. On enquiry with Naveen Kumar (Petitioner), he accepted in his statement about complicity of trafficking of illegal Tramadol tablets and other NRx medicines with the help of Manish Kumar. Further investigation revealed that both Naveen (Petitioner) and Manish were also earlier involved in trafficking of NRx medicines, and 13230 tablets were recovered and FIR registered as 177/2021 by Kathunangal Police station, Amritsar and presently both were on bail. During course of further investigation statement of owner of the shop Welfare Medicos and Welfare Medical store, Bisan Das S/o Amarnath were taken and in which he revealed that Naveen Gupta spent 20 lakhs Rupees for acquiring one shop Welfare Medicos, but agreement of shop was prepared in the name of Manish Kumar. Naveen Gupta in his statement also revealed that he spent approx. 80 lakh Rupee for purchasing medicine for above welfare Medicos. Till date either Naveen Gupta or Manish Kumar did not provide the source of 1 crore Rupees which indicates that the above amount was earned out of drug money. The owner of the shop Bisan Das further disclosed that during absconding of Manish Kumar (paper owner of Welfare Medicos) he is getting every month rent of Welfare Medicos from Shweta Gupta, wife of Manish Gupta.*

*b) The statement of Naveen Gupta, Manish Kumar, Bisan Das and finances involved in the running both the shops, previous antecedents, FIR in drug case are substantial proof of involvement of Naveen Gupta in drug Trafficking.*

*c) Role of Naveen Gupta: - Naveen Gupta is a master mind and running illegal trafficking of Tramadol tablets with the help of or with his associates Manish Kumar who was his employee and getting salary only 12000 Rs per month (as per statement of Naveen Gupta).*

*Financial condition of the Manish Kumar is also justified by his bank statements and ITR filed. Naveen Gupta used Manish Kumar as a dummy person to run illegal trafficking of Tramadol tablets and invested huge amount of money approx. 1 crore Rupees for purchasing a shop and medicines in the name of Manish Kumar, accordingly he has done offense u/s 8, 22, 27A, 29 and other of NDPS act.*

*13. That since a huge commercial quantity of Narcotics, which is a dreadful crime against the society, as well as the state that affects the Indian youth*

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*now a day very badly and Punjab in particular which have lost generations of youth to the abuse of Narcotic Drugs and Psychotropic Substances. So, keeping in view the facts of the present case and prevailing situation in the country, the accused smuggled huge quantity of narcotic (psychotropic medicine) etc. and the said consignment was meant to boost anti-social elements who disturb the security of the state which is to be watched by the Courts preferred as compared to the liability of an individual. It is a crime against the State and public faith may not be shaken in the judicial system by allowing the accused to move freely in our society who is charged.*

*14. That the recovery in the present case is a commercial quantity and is covered under section 37 of the NDPS Act. The case comes under the strict provisions of section 37 of the Act as far as the provision of bail is concerned. The petitioner was working in a very planned manner with other co-accused and in case bail is granted to the petitioner, he shall indulge in similar activities as he has in depth experience of the illegal trade.”*

5.6. Raising submissions in tandem with the reply dated 02.09.2025, already on record, learned counsel for the respondent – NCB has argued that the petitioner (Sonu Singh) was implicated on the basis of disclosure of Sukhpal Singh and recovery of 11,400 tablets of Tramadol and 9,600 tablets of Alprazolam was effected from him. Sonu Singh revealed that he had been receiving deliveries from Varun Kumar and his associate, Harsh Kumar.

5.7. Raising submissions in tandem with the reply dated 28.09.2025, already on record, learned counsel for the respondent – NCB has argued that on secret information, a search was conducted at the house of the petitioner (Sukhpal) and recovery of 2,880 tablets of Alprazolam and 1,220 tablets of Tramadol was effected. During interrogation, the petitioner admitted that the seized contraband belong Harvinder Singh and further disclosed that a large quantity of illicit/ restricted medicines was stored at the house of Harvinder Singh, which corroborated the secret information. Further, on the search of house of Harvinder Singh, further recovery of 32,250 tables of Tramadol was effected. Sukhpal also disclosed the name of one Sonu Singh and upon

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search, 11,400 tablets of Tramadol and 9,600 tablets of Alprazolam was also recovered.

5.8. Raising submissions in tandem with the reply dated 11.11.2025, already on record, learned counsel for the respondent – NCB has argued that the petitioner (Harsh Kumar) had admitted that he had been making deliveries of psychotropic medicines under the directions of Varun Kumar. He used to procure all psychotropic medicines from Welfare Medical Store & Welfare Medicos, located in Katra Sher Singh Market, Amritsar, which is owned by Manish Kumar and Naveen Kumar. Notice under Section 67 of the NDPS Act was issued to Naveen Kumar, in which he admitted to owning the Welfare Medical Store. He had opened the shop named Welfare Medicos for Manish Kumar and had paid all expenses for the shop. Admittedly, Naveen acknowledged that FIR 177/2021 had been registered against Naveen and Manish Kumar by Kathu Nangal police in which 13,230 psychotropic medicine tablets were recovered from him.

5.9. Apart from above, learned counsel for the respondent – NCB has argued that huge narcotics contraband has been recovered, in the present case, and the same, being commercial in nature, falls under the provisions of Section 37 of the NDPS Act. Learned counsel has further submitted that petitions in hand are barred by the rigors of Section 37 of the NDPS Act and are, thus, liable to be rejected on this score alone. In case, the petitioner(s) are released on bail, there is all likelihood that they may abscond from the process of justice and also interfere with the prosecution evidence/ witnesses. Learned State counsel seeks to place on record custody certificate(s) dated

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08.08.22026 (petitioner-Aashish Verma), dated 11.02.2026 (petitioner-Kaushik), dated 08.02.2026 (petitioner-Manpreet Singh), dated 08.02.2026 (petitioner-Arjun Singh) and dated 08.02.2026 (Naveen Gupta), in the Court today, which are taken on record. The custody certificate(s) dated 17.11.2025 (petitioner-Sukhpal Singh), dated 09.09.2025 (Harsh Kumar) and dated 20.08.2025 (Sonu Singh) are already on record.

6. I have heard counsel for the rival parties and perused the paper-book as also the record produced before me.

7. Before delving further into the merits of the case, it would be apposite to refer herein to the following case-law germane to the matter(s) in issue:

- i) The Hon'ble Supreme Court in the case of ***Union of India versus Namdeo Ashruba Nakade, Special Leave to Appeal (Crl.) No.9792/2025***, has held as under:

*“8. This Court is of the view that the issue of substance abuse has emerged as a global public health crisis in the twenty-first century, affecting every country worldwide, as drug trafficking and addiction have become pervasive. The United Nations Office on Drugs and Crime (UNODC) reported in its 2025 World Drug Report that “As at 2023, some 316 million people worldwide had used drugs in the past year, representing an increase over the past decade that outpaces population growth, which indicates a higher prevalence of drug use.”*

*9. In India, there has been a concerning increase in drug abuse among the youth. Substance abuse not only affects individuals, families, and communities but also undermines various aspects of health including physical, social, political, cultural foundations, and mental well-being. (See: “Bhattacharya S, Menon GS, Garg S, Grover A, Saleem SM, Kushwaha P. The lingering menace of drug abuse among the Indian youth – it’s time for action. Indian J Community Med 2025;50:S9-12, published on 17th April, 2025”)*

*10. According to many news reports, India faces a clear dilemma between tackling the narcotics crisis systematically or sacrificing its most valuable resource i.e. its young people. The extent of menace of drug abuse has also been highlighted by this Court in the case of Ankush Vipin Kapoor v. National Investigation Agency, (2025) 5 SCC 155 wherein this Court has observed as under:*

*“9.1 The ills of drug abuse seem to be shadowing the length and breadth of our country with the Central and every State Government fighting against the menace of substance abuse. The debilitating impact of drug trade and drug abuse is an immediate and serious concern for India. As the globe grapples with the menace of escalating Substance Use Disorders (“SUD”) and an ever accessible drug market, the consequences leave a generational Page 75 of 84 imprint on public health and even national security. Article 47 of the Constitution makes it a duty of the State to regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and in particular the State shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health. The State has a responsibility to address the root causes of this predicament and develop effective intervention strategies to ensure that India’s younger population, which is particularly vulnerable to substance abuse, is protected and saved from such menace. This is particularly because substance abuse is linked to social problems and can contribute to child maltreatment, spousal violence, and even property crime in a family.”*

*11. In the present case, this Court finds that though the Respondent-accused was in custody for one year four months and charges have not been framed, yet the allegations are serious inasmuch as not only is the recovery much in excess of the commercial quantity but the Respondent-accused allegedly got the cavities ingeniously fabricated below the trailer to conceal the contraband.*

*12. Prima facie this Court is of the opinion that the Respondent-accused is involved in drug trafficking in an organized manner. Consequently, no case for dispensing with mandatory requirement of Section 37 of the NDPS Act is made out in the present matter.*

*13. Moreover, this Court is of the view that as the accused has been charged with offences punishable with ten to twenty years rigorous imprisonment, it cannot be said that the Respondent has been incarcerated for an unreasonably long time.”*

ii) Further, the Hon’ble Supreme Court in the case of ***Union of India versus Vigin K. Varghese, Special Leave Petition (Crl.) No(s).7768 of 2025***, has held as under:

*“15. At this stage, two features stand out. The High Court’s conclusion that there is no material to show that the applicant had any knowledge of the cocaine in the consignment has been arrived at without discussion of the statements of the respondent and circumstances relied upon by the prosecution, including the assertion that the respondent had placed the orders for import, controlled the logistics chain, coordinated with the overseas supplier, and was present when the consignment was opened. The High Court has not examined whether those circumstances, taken at*

*face value for the limited purpose of bail, could prima facie indicate conscious control or involvement sufficient to attract the presumption of culpable mental state indicated under Section 35 of the NDPS Act.*

16. Further, while granting bail, the High Court recorded that there were no antecedents against the applicant. The material before this Court includes the Union's assertion that the respondent had already been apprehended in connection with an earlier seizure of approximately 198.1 kilograms of Methamphetamine and 9.035 kilograms of Cocaine allegedly imported through the same channel only days before the present seizure. That assertion is neither noticed nor answered in the impugned orders.

17. The High Court then, on the strength of those premises, recorded a finding that there exist reasonable grounds to believe that the applicant is not guilty of the alleged offence, treating prolonged incarceration and likely delay as the justification for bail. Such a finding is not a casual observation. It is the statutory threshold under Section 37(1)(b)(ii) which would disentitle the discretionary relief and grant of bail must necessarily rest on careful appraisal of the material available. A conclusion of this nature, if returned without addressing the prosecution's assertions of operative control and antecedent involvement, risks trenching upon appreciation of evidence which would be in the domain of trial court at first instance."

iii) This Court in the case of ***Jaswinder Singh alias Kala versus State of Punjab***, passed in ***CRM-M-33729-2025 (2025:PHHC:089161) = 2025 SCC OnLine P&H4537***, after relying upon the *ratio decidendi* of the judgments of the Hon'ble Supreme Court in *Union of India vs. Thamisharasi & Ors*, 1995(4) SCC 190, *Customs, New Delhi vs. Ahmadalieva Nodira*, 2004 (3) SCC 549, *Union of India vs. Shri Shiv Shanker Kesari*, 2007(4) RCR(Criminal) 186, *Satpal Singh vs. State of Punjab*, 2018 (13) SCC 813, *Narcotics Control Bureau vs. Mohit Aggarwal*, 2022 LiveLaw (SC) 613, *Mohd. Muslim @ Hussain vs. State (NCT of Delhi)* 2023 LiveLaw (SC) 260, *Narcotics Control Bureau vs. Kashif*, 2024 INSC 1045, *Usmanbhai Dawoodbhai Memon vs. State of Gujarat*, 1988(1)

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*RCR(Criminal) 540, Ranjitsing Brahmajeetsing Sharma vs. State of Maharashtra & Anr. 2005(5) SCC 294, Central Bureau of Investigation vs. Vs. Vijay Sai Reddy, 2013(3) RCR (Criminal) 252, Municipal Corporation of Delhi vs. M/s Jagan Nath Ashok Kumar and another, 1987(4) SCC 497, Gujarat Water Supply and Sewerage Board vs. Unique Erectors (Gujarat) (P) Ltd., and another, 1987(1) SCC 532, Collector and others vs. P. Mangamma and others, 2003(4) SCC 488, Commissioner of Income-tax, Delhi vs. S. Teja Singh, 1958 SCC Online SC 30, Management of Advance Insurance Co. Ltd. Vs. Shri Gurudasmal and others 1970(1) SCC 633, Tinsukhia Electric Supply Co. Ltd. Vs. State of Assam, 1989(3) SCC 709 and Commissioner of Income Tax vs. Hindustan Bulk Carriers, 2003(3) SCC 57; has held, thus:*

*“14. As a sequitur to above-said rumination, the following postulates emerge:*

- (I) (i) A bail plea on merits; in respect of an FIR under NDPS Act of 1985 involving offence(s) under Section 19 or Section 24 or Section 27-A thereof and for offence(s) involving commercial quantity; is essentially required to meet with the rigour(s) of Section 37 of NDPS Act.*
- (ii) The rigour(s) of Section 37 of NDPS Act do not apply to a bail plea(s) on medical ground(s), interim bail on account of any exigency including the reason of demise of a close family relative etc.*
- (iii) The rigour(s) of Section 37 of NDPS Act pale into oblivion when bail is sought for on account of long incarceration in view of Article 21 of the Constitution of India i.e. where the bail-applicant has suffered long under-trial custody, the trial is procrastinating and folly thereof is not attributable to such bail-applicant.*
- II. The twin conditions contained in Section 37(1)(b) of NDPS Act are in addition to the conditions/parameters contained in Cr.P.C./BNSS or any other applicable extant law.*

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- III. *The twin conditions contained in Section 37(1)(b) of NDPS Act are cumulative in nature and not alternative i.e. both the conditions are required to be satisfied for a bail-plea to be successful.*
- IV. *For consideration by bail Court of the condition stipulated in Section 37(1)(b)(i) of NDPS Act i.e. “there are reasonable grounds for believing that he is not guilty of such offence”:*
- (i) *The bail Court ought to sift through all relevant material, including case-dairy, exclusively for the limited purpose of adjudicating such bail plea.*
- (ii) *Such consideration, concerning the assessment of guilt or innocence, should not mirror the same degree of scrutiny required for an acquittal of the accused at the final adjudication & culmination of trial.*
- (iii) *Plea(s) of defence by applicant-accused, if any, including material/documents in support thereof, may be looked into by the bail-Court while adjudicating such bail plea.*
- V. *For consideration of the condition stipulated in Section 37(1)(b)(ii) i.e. ‘he is not likely to commit any offence while on bail’:*
- (i) *The word ‘likely’ ought to be interpreted as requiring a demonstrable and substantial probability of re-offending by the bail-applicant, rather than a mere theoretical one, as no Court can predict future conduct of the bail-applicant.*
- (ii) *The entire factual matrix of a given case including the antecedents of the bail-applicant, role ascribed to him, and the nature of offence are required to be delved into. However, the involvement of bail-applicant in another NDPS/other offence cannot ipso facto result in the conclusion of his propensity for committing offence in the future.*
- (iii) *The bail-Court may, at the time of granting bail, impose upon the applicant-accused a condition that he would submit, at such regular time period/interval as may stipulated by the Court granting bail, an affidavit before concerned Special Judge of NDPS Court/Illaqa (Jurisdictional) Judicial Magistrate/concerned Police Station, to the effect that he has not been involved in commission of any offence after being released on bail. In the facts of a given case, imposition of such condition may be considered to be sufficient for satisfaction of condition enumerated in Section 37(1)(b)(ii).*
- VI. *There is no gainsaying that the nature, mode and extent of exercise of power by a Court; while satisfying itself regarding the conditions stipulated in Section 37 of NDPS Act; shall depend upon the judicial discretion exercised by such Court in the facts and circumstances of a given case. No exhaustive guidelines can possibly be laid down as to what would constitute parameters for satisfaction of requirement under Section 37 (ibid) as every case has its own unique facts/circumstances. Making such an attempt is nothing but a utopian endeavour. Ergo, this issue is best left to the judicial wisdom and discretion of the Court dealing with such matter.”*

8. The grant of bail falls within the discretionary domain of the court; however, such discretion must be exercised in a judicious and principled manner, ensuring it aligns with established legal precedents and the interests of justice. While considering a bail application, the Court must evaluate factors such as the existence of *prima facie* evidence implicating the accused, the nature and gravity of the alleged offence, and the severity of the likely sentence upon conviction. The Court must also assess the likelihood of the accused absconding or evading the due process of law, the probability of the offence being repeated and any reasonable apprehension of the accused tampering with evidence or influencing witnesses. Additionally, the character, antecedents, financial means, societal standing and overall conduct of the accused play a crucial role. Furthermore, the Court must weigh the potential danger of bail undermining the administration of justice or thwarting its due course. A profitable reference in this regard is made to the judgment passed by the Hon'ble Supreme Court titled as *State through C.B.I. vs. Amaramani Tripathi, 2005 AIR Supreme Court 3490*, relevant whereof reads as under:

“14. It is well settled that the matters to be considered in an application for bail are (i) whether there is any *prima facie* or reasonable ground to believe that the accused had committed the offence; (ii) nature and gravity of the charge; (iii) severity of the punishment in the event of conviction; (iv) danger of accused absconding or fleeing if released on bail; (v) character, behaviour, means, position and standing of the accused; (vi) likelihood of the offence being repeated; (vii) reasonable apprehension of the witnesses being tampered with; and (viii) danger, of course, of justice being thwarted by grant of bail (see *Prahlad Singh Bhati v. NCT, Delhi, 2001(2) RCR (Criminal) 377 (SC) :2001(4) SCC 280* and *Gurcharan Singh v. State (Delhi Administration), AIR 1978 Supreme Court 179*). While a vague allegation that accused may tamper with the evidence or witnesses may not be a ground to refuse bail, if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. We may also refer to the following principles relating to grant or refusal of bail stated in *Kalyan Chandra*

*Sarkar v. Rajesh Ranjan, 2004(2) RCR (Criminal) 254 (SC) :2004(7) SCC 528 : "The law in regard to grant or refusal of bail is very well settled. The court granting bail should exercise its discretion in a judicious manner and not as a matter of course. Though at the stage of granting bail a detailed examination of evidence and elaborate documentation of the merit of the case need not be undertaken, there is a need to indicate in such orders reasons for prima facie concluding why bail was being granted particularly where the accused is charged of having committed a serious offence. Any order devoid of such reasons would suffer from non-application of mind. It is also necessary for the court granting bail to consider among other circumstances, the following factors also before granting bail; they are:*

*a. The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence.*

*b. Reasonable apprehension of tampering with the witness or apprehension of threat to the complainant.*

*c. Prima facie satisfaction of the court in support of the charge. (see Ram GovindUpadhyay v. Sudarshan Singh, 2002(2) RCR (Criminal) 250 (SC) : 2002(3) SCC 598 andPuran v. Ram Bilas, 2001(2) RCR (Criminal) 801 (SC) : 2001(6) SCC 338."*

*This Court also in specific terms held that :*

*"the condition laid down under section 437(1)(i) is sine qua non for granting bail even under section 439 of the Code. In the impugned order it is noticed that the High Court has given the period of incarceration already undergone by the accused and the unlikelihood of trial concluding in the near future as grounds sufficient to enlarge the accused on bail, in spite of the fact that the accused stands charged of offences punishable with life imprisonment or even death penalty. In such cases, in our opinion, the mere fact that the accused has undergone certain period of incarceration (three years in this case) by itself would not entitle the accused to being enlarged on bail, nor the fact that the trial is not likely to be concluded in the near future either by itself or coupled with the period of incarceration would be sufficient for enlarging the appellant on bail when the gravity of the offence alleged is severe and there are allegations of tampering with the witnesses by the accused during the period he was on bail."*

9. At the outset, it may be observed that at the stage of consideration of regular bail, this Court is not required, nor would it be appropriate, to undertake a meticulous examination of the legality of commercial transactions or to record definitive findings on the merits of the competing claims, which is to be tested during trial. Nevertheless, the Court cannot remain oblivious to the broader factual backdrop emerging from the record while assessing whether discretion ought to be exercised in favour of the petitioner(s).

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9.1. The grant of bail, though discretionary, assumes a narrower compass where allegations pertain to organised diversion of regulated pharmaceutical substances into illicit channels under the guise of lawful business operations. Courts have consistently cautioned that entities operating within the pharmaceutical sector cannot be permitted to cloak unlawful activities behind the facade of licences or corporate structures, particularly where the allegations disclose large-scale commercial dealings capable of undermining the statutory framework of the NDPS Act. It is a settled principle that legality of form cannot defeat scrutiny of substance; the mere existence of licences or corporate entities does not, by itself, dispel a *prima facie* inference arising from surrounding circumstances.

9.2. In cases involving alleged diversion through layered business arrangements or intermediary entities, the Court is required to adopt a cautious approach, as complex offences pertaining to narcotics, often employ structured transactions or shell arrangements to distance principal actors from the physical recovery of contraband. The submission that the petitioner(s) were operating through licensed entities or formal commercial channels, therefore, cannot be accepted at face value at this stage, particularly when the magnitude of the alleged recovery indicates a coordinated supply chain extending beyond isolated transactions. Commercial sophistication cannot be permitted to become a shield against criminal accountability.

10. In the present case, the petitioner(s) were arrested, whereinafter investigation was carried out and challan was presented. Out of total cited 50 prosecution witnesses, none has been examined till date. The trial is

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underway. Indubitably, the petitioner(s) are involved in the complaint in question pertaining to huge commercial quantity of contraband as per NDPS Act, 1985. *Prima facie*, the petitioner(s) are accused of having dealings in narcotic substances with the firm(s) which exist only on papers and not physically. From the rival submissions as also the material brought forth before me, no cause is made out in favour of the petitioner(s) to meet with the rigors of Section 37 of the NDPS Act. Hence, keeping in view the entirety of the factual *milieu* of the case in hand; especially the contraband alleged to be recovered being commercial in nature; the petition(s) in hand deserve to be **dismissed**.

11. Ordered accordingly.

12. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

13. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)  
JUDGE

February 11, 2026

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No