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Civil Writ Petition No. 26062-2024

VAVINDER MAHAJAN V/S STATE OF PUNJAB AND OTHERS

Present: Mr. P.S. Ahluwalia, Advocate with
Mr. Sidhant Vermani, Advocate and
Mr. Siddharth Sihag, Advocate and
Mr. Lovejeet Poonia, Advocate for the petitioner.

The present case highlights a grave issue which is at the forefront and rampant in the State of Punjab i.e. the drug menace. The petitioner herein is a member of the Special Task Force and during his tenure he found out the people who were controlling and dealing in the business of the Psychotropic substances/ Narcotic Drugs at large scale in the State of Punjab.

2. Counsel for the petitioner contends that the petitioner, who is Deputy Superintendent of Police, has been a pioneer in unraveling the biggest drug syndicate operating flawlessly in the State of Punjab and has inter-state links and ramifications in as much as the drugs were being routed through the States of Himachal Pradesh, Maharashtra, Uttar Pradesh and were being stocked in Haryana to be then brought into the State of Punjab. It is submitted by learned counsel that during the course of investigation in FIR No. 31 dated 20.02.2024 under Sections 22/25/27-a/27/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station STF, District SAS Nagar, recovery of huge quantities of Alprazole tablets (containing Alprazolam and Tramadol salts) had been made. The said tablets/salts have accounted for registration of more than three hundred FIRs in the State of Punjab and is amongst the most misused and easily available drug. It was revealed through the investigation that certain pharmaceutical firms situated at Baddi (District Solan) Himachal Pradesh namely M/s Smilax

Pharmachem Drug Industries and Biogenetic Drugs Pvt. Ltd., village Jharmazri EPIP Phase I, Baddi, District Solan, Himachal Pradesh, have indulged in production of as many as 19.68 crore tablets in a short span of nearly seven months and they have been pumped in the drug trade by clandestine operation through bogus billings and movements on forged/fake documents.

3. A complaint in this regard was also sent to the State Drug Controller, Himachal Pradesh and on the basis of the said complaint, the licence of the aforesaid pharma company to manufacture the drugs were recommended for cancellation in larger public interest.

4. He further submits that a final report under Section 173 Cr.P.C. had been submitted by the petitioner against the accused, who had already been arrested on 12.8.2024 and investigation qua the manufacturer was under process and the zimini entries in this regard had been duly recorded in depth. An investigation to trace back the source of origin was carried out by the petitioner to break the entire syndicate and nexus. He further submits that the petitioner has been a vocal opponent of drug trade in the State. So much so when drug dealer joined the ruling party and shared the stage with top leadership of the State, an open comment was posted by the petitioner about the antecedents of the person. He submits that the petitioner has effected the highest recovery of drugs in the State of Punjab and is well known for his crusade against drug dealers and mafia.

5. The petitioner was, however, arbitrarily transferred to 9th Battalion on 16.08.2024 after filing of the charge sheet in the above said case on 12.08.2024 since investigation against the pharma/manufacturers had been kept open. He contends that specific zimini entries in this regard have been recorded by the petitioner and a note had also been prepared on 21.8.2024 for

the aforesaid facts to be brought to the notice of the next Officer who would take over the investigation. He submits that the petitioner is being framed and maligned in a false case to protect the pharma manufacturers, who are the kingpins in the drug trade. Allegations were levelled against the petitioner of having taken bribe in the month of May-2024, which such dates did not get corroborated with the version of events and subsequently, the dates were changed and the petitioner has now been arraigned as a suspect to safeguard the real violators and the drug syndicate. He submits that the case requires a complete and thorough investigation by an independent investigating agency and that the petitioner is ready and willing to join the investigation and face the interrogation to establish his innocence.

6. Notice of motion.

7. Mr. Aditya Sharda, DAG Punjab, accepts notice on behalf of State of Punjab-respondents No. 1 to 3.

8. Mr. Sandeep Vermani, Advocate with Mr. Deepak Sabharwal, Advocate accepts notice on behalf of Central Bureau of Investigation.

9. Taking into consideration that huge quantity of drugs has been seized and the volume of Alprasafe tablets that have been manufactured and the material recovered by tracing back the entire batch number, which was stated to be first sent from Himachal Pradesh to Saharanpur in Uttar Pradesh and then to Palghar in Maharashtra where from it was rerouted through the consignments at a place in Uttar Pradesh where no such firm existed and the drugs were in fact being stored in a godown at Panchkula for further distribution in the State of Punjab, I feel that the issue of this propensity needs to be investigated thoroughly as the racket involves an inter-state operation. Possibility of people with clout and presence at different levels of administration cannot be ruled out. Given the volume of trade, the manner in

which it operates and the nature of allegations levelled, before proceeding any further in the matter, I deem it appropriate to direct the Central Bureau of Investigation to carry out a preliminary inquiry into the matter.

10. Learned counsel appearing on behalf of Central Bureau of Investigation contends that they would be in need of certain additional police officers/manpower to be provided by the State of Punjab so as to facilitate the investigation. I feel that the request is valid. An investigation of such an important statewide problem cannot be stalled on the pretext of lack of resources. The State has already earned a huge disrepute due to volumes of drug users and abusers. Hence, I deem it appropriate to allow the request and State of Punjab is directed to ensure that the requisite manpower along with rank of the officers as asked for by the CBI are provided to them within a period of one week from the date of receipt of such request. It is made clear that in case, the present order is not complied with, the Court shall proceed ahead to fix responsibility of the officers who are *prima-facie* in default in non-compliance of the order passed. All the authorities are directed to extend their full co-operation to the CBI for getting the truth uncovered.

11. Copy of the order be handed over to the State counsel as well as counsel for the Central Bureau of Investigation under signatures of the Bench Secretary of this Court.

12. Since preliminary enquiry into the matter is being directed to be conducted by the Central Bureau of Investigation, the Special Task Force is restrained from conducting any further investigation in the matter against the petitioner till conclusion of the preliminary enquiry by the CBI.

13. Let the preliminary enquiry report be submitted by the Central Bureau of Investigation within a period of four months from today. The

petitioner shall associate himself with the Central Bureau of Investigation and extend all co-operation and join enquiry as and when so required.

14. Adjourned to 21.02.2025.

4th October, 2024
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(VINOD S. BHARDWAJ)
JUDGE