

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.343 OF 2020  
(@ out of SLP (Cr1.) No. 245/2020)

TRACKON COURIERS PVT. LTD.

Appellant(s)

VERSUS

BALJIT SINGH @ KALA & ANR.

Respondent(s)

O R D E R

Leave granted.

This appeal takes exception to certain observations made by the High Court of Punjab and Haryana while disposing of CRA-D-544-DB-2015 vide judgment and order dated 16.09.2019.

While dismissing afore-stated appeal against conviction and sentence under Section 29 of the Narcotic Drug and Psychotropic Substances Act, 1985, (for short, "the NDPS Act"), in para 28 of its judgment, the High Court observed as under:-

"28. The other modus operandi adopted by the kingpins involved in drug business is also to send the drugs by couriers. We make it clear that the Managing Director, Directors of the courier companies, owners of the firms, servants and agents of the companies and firms involved in courier business shall also be liable to be dealt with under the NDPS Act. The police shall register cases against them under various provisions read with Section 29 of the NDPS Act. We also direct that all the courier services shall use drug narcotics detection kits at the places, where the courier is booked and also at the point of delivery. It shall be open to the police/other agency to intercepts/seize the contraband if sent through courier. The police shall also scrupulously follow the safeguard provided in the Act at the time of recovery and seizure of the contraband sent through the courier."

Exception is taken to the aforesaid direction by the appellant, a Courier Company.

Heard submissions on behalf of both the sides.

According to Ms. Gogia, learned Advocate for the State, in case a courier company is alleged to have committed an offence, by virtue of Section 29 of the NDPS Act, said company would be liable and further those who are in-charge of and responsible for the affairs of the Company would also be liable.

Once there are adequate provisions in the Act which make abetment of an offence also liable for action and appropriate steps could be taken against the concerned abettor including a Company and those responsible for its affairs, there is no requirement for passing the directions as the High Court did in aforesaid para 28. There are sufficient provisions available in law to take care of any exigency; and the aforesaid directions were not called for.

We, therefore, allow this appeal and set aside the directions in Para 28 as aforesaid.

.....J.  
(UDAY UMESH LALIT)

.....J.  
(VINEET SARAN )

New Delhi  
February 24, 2020.

ITEM NO.29

COURT NO.6

SECTION II-B

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

Petition(s) for Special Leave to Appeal (Cr1.) No(s). 245/2020

(Arising out of impugned final judgment and order dated 16-09-2019 in CRAD No. 544/2015 passed by the High Court Of Punjab & Haryana At Chandigarh)

TRACKON COURIERS PVT. LTD.

Petitioner(s)

VERSUS

BALJIT SINGH @ KALA &amp; ANR.

Respondent(s)

Date : 24-02-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT  
 HON'BLE MR. JUSTICE VINEET SARAN

For Petitioner(s) Mr. Atanu Saikia, Adv.  
 Ms. Madhumita Bhattacharjee, AOR

For Respondent(s) Mrs. Jaspreet Gogia, AOR  
 Ms. Mandakini Singh, Adv.

UPON hearing the counsel the Court made the following  
 O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

Pending applications, if any, also stands disposed of.

(INDU MARWAH)  
 COURT MASTER (SH)

(SUMAN JAIN)  
 ASSISTANT REGISTRAR

(Signed order is placed on the file)