

Crl. Misc. No. M-19519 of 2009

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

Crl. Misc. No. M-19519 of 2009(O&M)

Date of decision: 20.03.2015

Gurwinder Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: - Mr. P.P.S. Duggal, Advocate
for the petitioner.

Mr. K.S. Sidhu, DAG, Punjab.

PARAMJEET SINGH, J. (ORAL)

The instant petition has been filed for quashing of the FIR No.19 dated 10.03.2009 registered under Sections 22/61/85 of NDPS Act, Police Station Lambi, District Muktsar.

The case of the petitioner is that the petitioner has got a licence under the Drugs and Cosmetics Act (hereinafter referred to as 'the Drugs Act') and is not the owner of the shop and the licence was in the name of the other person.

The fact remains that there is a shop in the name of the petitioner and recovery of contraband is shown to have been effected which appear to be manufactured drugs and containing Narcotic and Psychotropic Substance. This Court has already dealt with the matter in **Vinod Kumar Vs. State of Punjab 2013(1) RCR (Crl.) 428** and held

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that even one holding licence under Drugs and Cosmetics Act has to be prosecuted under the NDPS Act at least in those cases where the drugs contain Narcotic and Psychotropic substances.

Hon'ble Supreme Court, in *Union of India Vs. Sanjeev V. Deshpande, 2014 (4), RCR (Criminal) SC 75* has also held that the provisions of the NDPS Act are in addition to the provisions of the Drugs and Cosmetics Act.

In view of this, the present case is squarely covered by the above cited judgments against the petitioner.

No ground to quash the FIR is made out.

Dismissed.

(Paramjeet Singh)
Judge

March 20, 2015
prince