

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-27909 of 2015

Date of Decision:-19.12.2015.

Anil

.....Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE P.B. BAJANTHRI**

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Raj Kumar Gupta, Advocate for the petitioner.

Ms. Reeta Kohli, Additional A.G. Punjab with
Mr. Hanspal Virk, AAG, Punjab.

SURYA KANT, J. (ORAL)

- 1.) The petitioner seeks his enlargement on regular bail in case FIR No.173 dated 18.9.2013 under Sections 22/61/85 of the NDPS Act and Sections 18-C, 27(B) (2), 27-D of the Drugs and Cosmetics Act, 1940 registered at Police Station Shambu, Patiala.
- 2.) As per the allegations contained in the FIR, the police party was patrolling when it received a secret information that Nitin Chhabra who is resident of Karnal and owns Krishna Medical Store in Pindi Market, Ludhiana along with his brother Anil and some other

persons are involved in the business of selling intoxicating tablets and capsules and Anil Kumar is standing on the National Highway along with a huge quantity of such contraband, awaiting for his brother Nitin Chhabra and others to reach. The petitioner was, thus, arrested near Shambhu border in Punjab and 48,000 capsules without any mark and 10 lacs Microlit tables were allegedly recovered from his possession. These illicit drugs were being brought by the petitioner from Karnal for delivery at his brother's shop in Pindi Market, Luhiana.

3.) As per the case of prosecution, Pindi Market has unfortunately acquired a notorious reputation for sale of narcotic and other illicit drugs. The petitioner's brother (Nitin Chhabra) has not been arrested so far and he is absconding. He has been declared proclaimed offender.

4.) While the sale of tablet Microlit is not expressly banned under any notification, 48,000 capsules allegedly recovered from the petitioner's possession were containing the salt 'Dextropropoxyphene', the sale of which has been banned by Government of India vide Notification dated 23.5.2013.

5.) The petitioner, on the other hand, alleges that he has been falsely implicated with a view to pressurize his brother to surrender as he is still absconding.

6.) Be that as it may, the petitioner is in custody since 18.9.2013; there is no other case registered against him under the

NDPS Act; the conclusion of trial will take time as some of the accused are yet to surrender and the evidence has not commenced so far; the petitioner is statedly a fruit vendor at Panipat and is stated to be the only source for sustenance of his family. Taking into consideration all the attending circumstances but without expressing any view on merits, this petition is allowed; the petitioner is directed to be released on bail subject to his furnishing adequate bail/surety bonds to the entire satisfaction of the CJM/Duty Magistrate concerned where he is presently lodged.

(SURYA KANT)
JUDGE

(P.B. BAJANTHRI)
JUDGE

December 19, 2015.

sandeep sethi