

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

CRM-M No. 5207 of 2014. [O&M]
Date of Decision:04th November, 2015.

Saleem Mohd
Versus

Petitioner through
Mr. Raj Kumar Gupta, Advocate

State of Punjab

Respondent through
Ms. Reeta Kohli, Additional AG, Punjab
with Mr. Hanspal Virk, AAG, Punjab.

***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?***

SURYA KANT, J. [ORAL]

The petitioner seeks regular bail in the case FIR No. 129 dated 19.09.2013, under Sections 21/22/25/27A, 29/61/85 of the Narcotics Drugs and Psychotropic Substances Act, 1985 and Sections 420, 467, 468 and 471/120-B of the Indian Penal Code, registered at Police Station, Division No. 6, District Ludhiana.

As per the allegations contained in the FIR, a police party headed by ASI Kashmir Singh was patrolling near Cheema Chowk, Ludhiana when they received a secret information that Nitin Goyal son of Pawan Goyal and Pawan Goyal son of Ruldu Ram, who were already involved in drug-trafficking, have opened Pharmaceutical Companies known as [i] H.L.Medicines; [ii] Shri Krishna Agencies and [iii] Atlas Pharmaceuticals along with their other partners in Ludhiana. Another person, namely, Deepak Soni has also joined hands with them and has set up another Pharmaceutical establishment known as B.G.Pharma at Pindi Estate, Ludhiana and

all of them in connivance with each other are dealing in intoxicant medicines like Tablets, Capsules etc. and they sell the same through fake bills/invoices.

Based upon that information, FIR was registered and raids were conducted, whereupon 8,65,000 intoxicant capsules, 1,34,50,000 intoxicant tablets, 12000 intoxicant injections and 1400 intoxicant small bottles of syrup were recovered.

The petitioner herein was allegedly an employee of Nitin Goyal at one point of time and his name having surfaced, he was arrested on 15.10.2013. The petitioner is said to have made a disclosure statement under Section 27 of the Indian Evidence Act where-upon 22 injections of Buprenorphine were recovered from his house.

The petitioner is in custody from last more than two years. There is no other case registered against him under the NDPS Act. The alleged contraband was not recovered from the petitioner's physical possession as he is said to have got it recovered while in custody.

The petitioner relies upon Rule 66 of the Narcotic Drugs and Psychotropic Substances Rules, 1985 to contend that even without any medical prescription, 100 doses of such like Psychotropic substance could be retained by him.

Having heard learned counsel for the parties and taking into consideration the total custody period of the petitioner; his past antecedents and the legal submission based upon Rule 66 *ibid* but without expressing any final opinion in relation thereto, we are

satisfied that no useful purpose shall be served by keeping the petitioner behind the bars and as such he deserves to be granted the concession of regular bail.

Accordingly, this petition is allowed and the petitioner is directed to be released on regular bail to the satisfaction of the Chief Judicial Magistrate, Ludhiana.

Disposed of. Dasti.

**(SURYA KANT)
JUDGE**

**November 04, 2015.
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**(P.B.BAJANTHRI)
JUDGE**