

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-6226 of 2015

Date of Decision:-19.12.2015.

Kamal Rai Chawla

.....Petitioner

Versus

The 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. Karanvir Singh Kehar, 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 bail in the case of 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 Shambhu, District Patiala.

2.) As per the allegations contained in the FIR, a secret information was received and pursuant thereto, one Anil Kumar Chhabra was arrested on 18.9.2013 and ten lacs tablets of Microlit and 48,000 capsules of maroon colour without any make were

recovered from him. Anil Kumar Chhabra disclosed the name of his brother Nitin Chhabra and others who were involved in the sale and purchase of narcotic drugs and psychotropic substances. In this process, one after the other disclosure statements were made and ultimately names of petitioner, one Anil Vasudev and Perdipt Chaudhary also surfaced.

3.) The petitioner was arrested on 7.10.2013. He allegedly made a disclosure statement under Section 27 Evidence Act on 8.10.2013 and got recovered 1,920 "spasmasip plus" capsules from his house. These capsules are manufactured by Cipla company. As per the report of the Forensic Science Laboratory, these capsules were found containing the salt Dextropropoxyphene, sale of which was banned by the Government of India vide Notification dated 23.5.2013.

4.) To say it differently, the prosecution case is that the petitioner has committed offence under the NDPS Act as the capsules recovered from his house contained a salt, which cannot be sold w.e.f. 23.5.2013.

5.) We have heard learned counsel for the parties and gone through the record.

6.) Having regard to the fact:-

(i) That the petitioner is in custody from the last more than two years;

(ii) There is no other case registered against him under

the NDPS Act;

(iii)The manufactured drug allegedly recovered from him

is a Cipla product;

(iv)The petitioner is a licensed and authorized chemist;

(v)The case has been registered against him in view of

suspension of sale of a particular salt by Government

of India w.e.f. 23.5.2013.

(vi)Though the charges have been framed but the trial is

yet to commence and conclusion thereof is likely to

take some time, we are satisfied that the petitioner

deserves the concession of bail. For the reasons

aforestated, however, without expressing any views on

merits, the instant 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