

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.3821 of 2015 in/and
CRR No.387 of 2015 (O&M)
Date of decision: February 06, 2015

Lal Chand

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.M.K.Garg, Advocate
for the petitioner.

INDERJIT SINGH, J.

CRM No.3821 of 2015

Heard.

For the reasons mentioned in the application, the same is allowed. Delay of 13 days in filing the revision is condoned.

CRR No.387 of 2015

Petitioner has filed this revision petition under Section 401 Cr.P.C. against State of Punjab respondent challenging the order dated 09.10.2014 passed by learned Judge, Special Court, Sangrur vide which charge under Section 22 of the NDPS Act was framed against the petitioner.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that the FIR in the present case has

been registered on the allegation that when the police party was present at the bridge of Ubhowal Road, Sangrur, then they saw one Esteem car coming from the City side. ASI Jagjit Singh gave signal to driver of the car to stop it but the driver immediately tried to turn the car back. The accused Lal Chand, who was driving the car was apprehended and on search, as per law, 10 bottles of Rexcof cough syrup 100 x 100 ml. each, 12 pouches of Maidotil having 100 tablets each i.e. total 1200 tablets and 15 strips of Alprazolam having 10 tablets each i.e. total 150 tablets, were recovered.

At the time of arguments, learned counsel for the petitioner argued that petitioner was having valid drug licence at that time, therefore, the petitioner should be discharged as no case is made out.

First of all, from the FIR, I find that, in no way, it can be held that no case is made out. At the time of framing of the charge, the Court is to see whether prima facie case is made out for framing of the charge or not. The Court, at this stage, is not to weigh the evidence for the purpose of conviction. The Court is only to see whether it is a case of no evidence or some evidence. The photocopy of the licence placed on the record shows that this licence was for the drugs except narcotics and psychotropic substance etc. Secondly, the petitioner has only the right to sell the drugs at a specified place. He cannot carry these drugs without any bill etc. anywhere else.

As already discussed, at the time of framing of the charge, the Court is only to see prima facie case. Even a strong suspicion is sufficient for framing the charge.

In view of the above discussion, I find that at this stage, prima facie case is made out and there is no ground to discharge the accused-petitioner.

Therefore, finding no merit in the preset petition, the same is dismissed.

February 06, 2015
Vgulati

(INDERJIT SINGH)
JUDGE