

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M No.19842 of 2015

Date of Decision:-22.04.2016

Ajay Sharma.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Aman Pal, Advocate for the Petitioner.

Mr. Kuldip Tiwari, Additional Advocate General, Haryana
assisted by SI Vinod Kumar.

Prayer is under Section 438 Cr.PC for grant of anticipatory bail to the petitioner Ajay Sharma in case FIR No.155 dated 25.03.2015 for offences punishable under Sections 21(b) of NDPS Act and Sections 420, 467, 468, 471 and 120-B of Indian Penal Code registered with Police Station Palam Vihar, District Gurgaon.

As per the allegations in the FIR the police party intercepted co-accused Kailash Chand Sharma in possession of 165 bottles of Rancodex Syrup 100 ml each of Ranbaxy Company and few other English medicines. The explanation tendered was that the items were soled by the proprietorship firm JSM Enterprises to Rajiv Medical Store, Wazirabad, Gurgaon and were in the process of being delivered to the purchasers. The present accused is the sole proprietor of JSM Enterprises and the person

apprehended is none else than the father of the present petitioner.

It is not in dispute that the present petitioner has a valid licence for sale of wholesale drugs, however, the case of the prosecution is that the prospective purchasers have denied any indent issued to the proprietorship firm although there are computer generated invoice accompanying the seized alleged contrabands.

It is contended that the seized drugs would be covered under the NDPS Act, 1985 only if it is proved that they were being sold for purpose other than medicinal purposes. In the present case, since prima facie documents of sale are there, therefore, no offence is made out.

Learned Counsel for the petitioner submits that on similar grounds co-accused Kailash Chand Sharma was granted regular bail by the trial Court vide order dated 23.4.2015. It is further submitted that the petitioner has joined investigation and computer generating receipts, bills have been seized by the police and the challan already stands presented and as such no further recovery is to be effected.

Learned State Counsel assisted by SI Vinod Kumar does not dispute the fact that challan already stands presented and co-accused Kailash Chander Sharma granted bail.

Without commenting on the merits of the case, keeping in view the parity of treatment and challan already stands presented, interim protection/bail granted vide order dated 15th of July, 2015 is made absolute.

Petition stands disposed of.

(JASWANT SINGH)
JUDGE

April 22, 2016
Vinay