

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

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CRM-M-28732-2015

Date of Decision: January 18, 2016

RANJEET SINGH SANDHUPETITIONER

VERSUS

STATE OF PUNJABRESPONDENT

CORAM:- HON'BLE MR. JUSTICE M.M.S.BEDI

Present: Mr.R.S.Rai, Sr. Advocate
with Mr.Sandeep Wadhawan, Advocate
for the petitioner

Ms.Harpreet K. Athwal, DAG, Punjab

M.M.S.BEDI, J.(Oral)

The petitioner admittedly holds a licence valid till 2017 to run a Chemist shop. He is alleged to have kept intoxicating material at a place adjacent to his shop without any valid licence or permit. 10 boxes containing Alprazolam (2,44,800 tablets) and one box of Microlit containing 14,000 tablets were found stored in a place adjacent to the shop of the petitioner.

Petitioner claims that he being a valid licence holder to stock and sell the medicines as Chemist, can not be accused of having committed offence under Section 22 of the NDPS Act.

On instructions from ASI Baldev Singh, Ms.Harpreet Kaur Athwal, DAG, Punjab submits that the petitioner has been involved in offence under Section 22 NDPS Act read with Section 18(c) of the Drugs and Cosmetics Act having violated the conditions of the licence issued to him. It is argued that the petitioner is not authorised to keep the intoxicating tablets at a place which is not mentioned in the licence.

I have heard counsel for the petitioner as well as State counsel and gone through the record.

The main allegation against the petitioner is that he has violated the provisions of Section 18(c) of the Drugs and Cosmetics Act which is punishable under Section 27(d) of the said Act.

The petitioner has been in custody w.e.f. 27.11.2014. Whether any offence can be said to have been committed under Section 22 of the NDPS Act on account of violation of terms of the licence granted under the Drugs and Cosmetics Act warranting punishment for offence committed under Section 18(c) of the Drugs and Cosmetics Act, will be a debatable issue during trial. The offence under Section 22 of the NDPS Act is alleged to have been committed in addition to the offence under the Drugs and Cosmetics Act on account of over lapping scope of the above said Section. Taking into consideration the reasonable good defence available to the petitioner, the petitioner can be granted the concession of bail.

The petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bond and surety bond to the satisfaction of the trial Court.

January 18, 2016
TSG

(M.M.S.BEDI)
JUDGE