

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Criminal Misc.No.M-32516 of 2014

Date of Decision: February 03, 2016

Sadhu Singh

....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE P.B.BAJANTHRI.

Present: Mr.Vikram Chaudhri, Senior Advocate with
Mr.Manish Verma, Advocate, for the petitioner.
Mr.Reeta Kohli, Additional AG, Punjab with
Mr.Hanspal Virk, Assistant AG, Punjab.

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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 his enlargement on regular bail in the case FIR No.129 dated 19.09.2013 registered at Police Station Division No.6, Ludhiana under Sections 21/22/25/27-A, 29/61/85 of the N.D.P.S. Act and 420, 467, 468, 471, 120-B.

The FIR has been registered on the basis of a secret information said to have been received by the police patrolling party who was present on Cheemna Road, Ludhiana, to the effect that Nitán Goyal son of Pawan Goyal and Pawan Goyal son of Ruldu Ram, residents of Sardar Nagar Moga against whom several cases of smuggling intoxicant medicines are registered, have now started running the business in the names and style of M/s Goel Sales Corporation, Shri Krishna Agencies and Atlas Pharmaceuticals etc. These firms were being run in Pindi Street, Ludhiana and they are in the

business of supplying intoxicant material in several areas of Punjab without bills or on the basis of fake bills etc.

The petitioner is one of the partner of Pawan Goel and his son in M/s GSB Pharmaceutical India. There is a dispute re: petitioner's share in the partnership firm but that is not necessary to be adjudicated in these proceedings.

The petitioner was arrested on 23.10.2013 and is in custody for the last more than two years.

As per the prosecution version, 200 gms Diazepam, 260 gms Buprenorphine, 25 Kg. and 500 gms powder containing psychotropic substance Nitrazepam was recovered from the petitioner's factory. It is further alleged that the Drugs-Inspector at Baddi in Himachal Pradesh where pharmaceutical industry of the partnership firm is located, has informed that the pharmaceutical industry does not have licence to manufacture the drugs containing Nitrazepam.

The case is still at the stage of prosecution evidence. No other case under the NDPS Act is registered against the petitioner. No contraband is said to have been recovered from the physical possession of the petitioner. Taking into consideration the totality of circumstances, rigors of Section 37(1)(b)(ii) of the NDPS Act, 1985 need not be applied at this stage.

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

[SURYA KANT]
JUDGE

February 03, 2016
mohinder

[P.B.BAJANTHRI]
JUDGE