

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-18722-2017 (O&M)

Date of decision: 13.07.2017

Rajbir Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. SS Sidhu, Advocate for the petitioner.

Mr. BS Baath, DAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

CRM-21417-2017

Invoice/Bill dated 15.03.2017 (Annexure A-1) filed along with the application is taken on record, subject to all just exceptions. Office to tag the same at the appropriate place.

CRM stands disposed of.

CRM-M-18722-2017

1. This petition has been filed by petitioner-Rajbir Singh under Section 439 Cr.P.C., for grant of regular bail in case FIR No. 47 dated 22.03.2017 registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') at Police Station Kotwali, Bathinda.

2. Learned counsel for the petitioner contends that 130 strips of TENSIWIN 0.50 medicine containing 10 tablets each (totalling 1300 tablets) were allegedly recovered from the possession of the petitioner

which according to the FSL report contained Alprazolom. Referring to Section 8 of the NDPS Act, learned counsel for the petitioner has pointed out that an exception has been made for keeping the psychotropic substance for medical and scientific purposes and in the manner and to the extent provided by the provisions of this Act or the rules or orders made thereunder. The petitioner as a Chemist under licence(s) Annexures P-2 and P-3, valid up to 13.08.2018, issued by the Prescribed Authority, in the name of M/s Duggal Medicoe, of which he is the proprietor has not committed any offence by keeping the aforesaid medicine in his shop.

3. On the other hand, learned State counsel vehemently opposed the submissions made by learned counsel for the petitioner.

4. In the case in hand, it is not disputed that the petitioner is a licensed Chemist and his licence is valid up to 13.08.2018. Hence, he is covered under the guard of exception in Section 8 of the NDPS Act.

5. Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail; without expressing any opinion on the merits of the case and also the fact that the trial is likely to take time, at least the petitioner is entitled to interim bail during the pendency of the trial. Consequently, the instant petition is allowed and the petitioner is ordered to be released on interim bail subject to his furnishing personal bonds in the sum of Rs. 50,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

July 13, 2017
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No