

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

**CRM No.M-20010 of 2017 (O&M)
Date of Decision: December 07, 2017**

Hardeep Kumar @ Monu

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Sarju Puri, Advocate
for the petitioner.

Ms.Simranjeet Kaur, Asstt. Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. against respondent State of Punjab for quashing the FIR No.51 dated 17.06.2015 under Sections 21 and 22 of the NDPS Act, registered at Police Station City Banga, District SBS Nagar along with all the subsequent proceedings arising therefrom.

Notice of motion was issued. Learned State counsel appeared and filed the reply.

Learned counsel for the petitioner argued that the tablets recovered from the present petitioner containing salt does not fall under the NDPS Act. The tablets recovered, as per FIR, are containing salt Tramadol hydrochloride and Paracetamol, possession of which, is not an offence

under NDPS Act.

Learned State counsel has not contested this fact. Even in the reply, it is stated that as per chemical analysis report, the intoxicant powder which was recovered from the petitioner and his associate, was found to be Tramadol hydrochloride and Paracetamol and the same does not fall under the NDPS Act. It is also stated by learned State counsel that cancellation report has already been prepared which has been verified and likely to be presented before the trial Court.

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

Keeping in view the fact that the tablets containing salt recovered from the present petitioner do not fall under the NDPS Act and in view of the reply filed by the State, the FIR in the present case is liable to be quashed.

Therefore, finding merit in the present petition, the same is allowed. FIR No.51 dated 17.06.2015 under Sections 21 and 22 of the NDPS Act, registered at Police Station City Banga, District SBS Nagar and all the subsequent proceedings arising therefrom, are hereby quashed.

December 07, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No