

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

CRM-M No.29988 of 2017
Date of decision: 13th October, 2017

Pamesh Arora

... Petitioner

Versus

Narcotic Control Bureau

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. J.S. Bedi, Senior Advocate with
Mr. Manoj Pundir, Advocate for the petitioner.

Mr. D.D. Sharma, Advocate
for the respondent/NCB.

FATEH DEEP SINGH, J.

Allegations against the petitioner Pamesh Arora in this petition filed under Section 439 Cr.P.C. seeking regular bail in case bearing Crime No.NCB/CZI/Cr. No.30/2007/1195 dated 24.04.2017 registered at Narcotic Control Bureau, Sector 25(W), Chandigarh under Sections 8, 18 & 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 are that Narcotic Control Bureau conducted a raid at the business premises of the petitioner on the basis of secret information and took into possession three carton boxes of Unani/Ayurvedic medicine which was subsequently opined to contain Opium leading to registration of the present case and consequent arrest and detention of the petitioner.

Mr. J.S. Bedi, Senior Advocate assisted by Mr. Manoj Pundir, Advocate representing the petitioner submits that the petitioner is a diploma holder in Ayurvedic Pharmacy and is holding a certificate of registration of Ayurvedic medicine and has sought to hammer home the point that he has through valid bills purchased the medicine from co-accused/non-applicant Vaid Sat Parkash Sharma who has already been allowed anticipatory bail by this Court vide orders of even date, contending further that as per the information secured by the petitioner side under the Right to Information Act, no such license is required for dealing with Ayurvedic/Unani medicine and even otherwise his wife Ms.Kanchan is a registered Ayurvedic practitioner who too runs the business and placing reliance on list of Manufactured Narcotic Drugs (as contained in Govt. of India's Notification S.O. 826(E) dated 14/11/1985 and S.O. 40(E) dated 29/01/1993, submits that none of these Ayurvedic preparations falls within the definition of 'manufactured drugs', arguing further that the petitioner is behind bars since a long time and thus, on the principle of parity as well was entitled to bail.

Mr.D.D. Sharma, Advocate representing the respondent/ Narcotic Control Bureau has opposed grant of bail placing reliance on the affidavit of Mohinder Jit Singh, Asstt. Director, NCB, Chandigarh to drive home the point that it is a manufactured drug and such contraband cannot be possessed more than the quantity detailed under the Narcotic

Drugs and Psychotropic Substances Rules applicable to the Union Territory of Chandigarh and has sought to term the act and conduct of the petitioner to be violation of the stringent provisions of law and thus, sought dismissal of the petition.

Appreciating the submissions, the petitioner admittedly as per the own stand of the respondent side is carrying on mere sale of Ayurvedic/Unani medicine which has been manufactured by licensed manufacturer and has purchased the same through authorized invoice Nos.7101 dated 16.01.2017 and No.7837 dated 13.02.2017 and was thus not in illegal possession of the same and has placed reliance on the cash memos/invoices to this effect, further contending on the basis of Annexures P4 and P5 that no such license for sale of such medicine/drugs was required for Ayurvedic, Unani and Siddha drugs and it is only for the purposes of manufacture which is not the case of the prosecution and the various responses received under the RTI to this effect which have been annexed as Annexure P6 onwards and is also from the office of Director, AYUSH, Chandigarh Administration to fortify that there is no violation of any of the provisions of the Act or the Rules and even by the principle of parity since manufacturer has been allowed anticipatory bail, impels this Court to hold that the petitioner too is entitled to the same treatment. More so, trial is not likely to conclude in near future and no useful purpose will be served by keeping the petitioner behind bars.

Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Chandigarh.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

October 13, 2017

rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No