

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-32527-2017

& CRM-M-32566-2017

Date of decision: September 25, 2017.

Piyush Kalia

... **Petitioner**

v.

State of Punjab

... **Respondent**

CORAM: **HON'BLE MR. JUSTICE A.B. CHAUDHARI**

Present: Shri R.S. Rai, Sr. Advocate with
Shri Prateek Pandit, Advocate for the petitioner(s).

Shri Ramandeep Singh Sandhu, Sr. Dy. AG, Punjab.

A.B. Chaudhari, J. (Oral):

Heard learned Counsel for the rival parties.

The petitioner seeks regular bail in FIR Nos.52 and 53 dated 3.5.2017, registered under Sections 22/61/85 of the Narcotic Drugs & Psychotropic Substances Act, 1985, Police Station Division No.6, Jalandhar.

Learned Counsel for the petitioner has pointed out to me the registration certificate issued by the Board of Ayurvedic and Unani Systems of Medicine, Punjab, Chandigarh to point out that the petitioner is qualified BAMS and duly registered with the said Board. I have seen the said registration certificate. Learned Counsel for the petitioner has also cited decision of the Apex Court in the case of Dr. Mukhtiar Chand v/s State of Punjab, 1998(4) RCR (Civil) 631 and would submit that the said decision relates to Ayurveda. The decision in the case of Electrotherapy Medicos of India v/s State of Maharashtra and others, 2002 AIR (Bombay) 22 rendered

by the Bombay High Court relates to electropathic course and has been found to be not a part of homeopathic certificate. He therefore submits that the said decision of the Bombay High Court is clearly distinguishable.

Learned Counsel for the State submits that there is no other case of similar nature against the petitioner except these two cases. These two cases are registered on the same day.

Having regard to the decision in the case of Dr. Mukhtiar Chand (supra), I think the issue about the petitioner being allowed to store huge quantity of drugs in respect of which FIRs have been lodged against him, is clearly debatable. To my mind prima facie in the light of Narcotic Drugs & Psychotropic Substances Act, 1985, the Ayurvedic doctors could not be able to store huge quantity of drugs including Alprazolam. Then, the question herein is about the grant of regular bail. In view of the above factors and in the wake of the fact that there is no other case against the petitioner, I think the petitioner should be released on bail. In that view of the matter, following order is passed:-

ORDER

- (i) CRM Nos. 32527 and 32566 of 2017 are allowed;
- (ii) the petitioner is ordered to be released on bail in both the afore-mentioned FIRs.

September 25, 2017.
kadyan

[A.B. Chaudhari]
Judge

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No