

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

CRL. MISC. No.M-39937 OF 2017
DATE OF DECISION : 2nd NOVEMBER, 2017

Lovekesh Kumar @ Lokesh

.... Petitioner

Versus

State of Punjab

.... Respondent

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

* * * *

Present : Mr. Sandeep Kumar Passi, Advocate for the petitioner.

Mr. Dhruv Dayal, Sr. D.A.G. Punjab.

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A. B. CHAUDHARI, J. (ORAL)

The petitioner has filed this petition under Section 439 Cr.P.C. seeking regular bail in FIR No.53, dated 15.04.2017 registered under Sections 22, 61, 85 NDPS Act, 1985, registered at Police Station City South Moga, District Moga.

Heard learned counsel for the rival parties.

Custody certificate filed by the State is taken on record.

The petitioner was arrested on 18.04.2017 and since then he is in judicial custody. The challan has been filed before the concerned Court.

Learned counsel for the petitioner submits that the petitioner is a licence holder and was entitled to keep the medicines in his stock. However the prosecution allegation is that with the said licence the petitioner cannot move with the medicines/intoxicant tablets in the area,

rather he has to store them only at his licensed premises. Accordingly the petitioner has committed offence under the NDPS Act.

Learned State counsel submits that there is no other case is pending/reported against the petitioner.

In my opinion, since there is no other case against the petitioner; the challan has been presented before the concerned Court and the trial will take its own time, the petitioner ought to be released on bail. However, the petitioner has to furnish undertaking on affidavit before the trial Court that he would not indulge in any type of offence and would also submit a copy of the affidavit to the concerned Police Station.

In the result, I make the following order:

ORDER

- (i) The CRL. MISC. No.M-39937 OF 2017 is allowed.
- (ii) The petitioner is ordered to be released on bail to the satisfaction of the concerned CJM/Duty Magistrate.
- (iii) The petitioner to surrender his passport with the trial Court, if he possesses the same.
- (iv) The petitioner shall report to the police station concerned on every Tuesday and Sunday from 11.00am to 4.00pm in addition to appearing before the trial Court on the dates fixed there.
- (v) The petitioner shall give undertaking before the trial Court along with copy to the police station concerned, within a period of two weeks from the date of his release, that he will not indulge in such type of offence in future.

(vi) In case of violation of any of the above conditions on the part of the petitioner, the liberty is reserved in favour of the State to apply for cancellation of bail.

2ND NOVEMBER, 2017
'raj'

(A. B. CHAUDHARI)
JUDGE

Whether speaking/reasoned:	Yes	No
Whether Reportable:	Yes	No