

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

**CRM-M No.42176 of 2016
Date of Decision: 17.05.2017**

Resham Singh Kulharia

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

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

Mr. Neeraj Yadav, AAG, Punjab
for the respondent-State.

DEEPAK SIBAL J. (ORAL)

Through the present petition filed under Section 439 Cr.P.C., the petitioner seeks grant of regular bail in FIR No.81, dated 16.07.2016, registered under Sections 22, 61 and 85 of NDPS Act, 1985, at Police Station Sangat, District Bathinda, Punjab.

Seeking regular bail for the petitioner, learned counsel submits that the allegations against the petitioner are that he was found in possession of 25 bottles of Corex; such allegations are false but even if the same are taken as a gospel truth, which the petitioner does not admit, the petitioner is a chemist and has a valid licence under the Drugs and Cosmetics Act, 1940; such licence has been appended with the petition as Annexure P-3; the petitioner has already been in custody for over 10 months; he is not involved in any other criminal case; the petitioner was picked up by the police from his shop and that since only one prosecution witness has been examined so far, the trial is not likely to conclude in the near future.

Learned State counsel opposes the grant of bail on the ground that the petitioner has been found in possession of 25 bottles of Corex without any bill which is a commercial quantity.

Since the petitioner is not involved in any other criminal case; has been in custody for over 10 months; is a licenced chemist and thus his culpability under the NDPS Act would be only deciphered during the course of the trial which is not likely to conclude in the near future as only one of the prosecution witness has been examined so far, I am of the opinion that the petitioner be admitted to regular bail.

Bail to the satisfaction of the trial Court.

Nothing observed herein-above shall be considered to be an expression of opinion by this Court on the merits of the case.

If the petitioner is found indulging in any other criminal activity/misusing the concession of bail granted to him, it would be open to the State to move an appropriate application before the Competent Court/this Court for cancellation of the bail granted to the petitioner through this order.

May 17, 2017

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**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No