

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

CRM No.M-46384 of 2016 (O&M)

Date of Decision: August 01, 2017

Harpal Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.S.K.Passi, Advocate,
for the petitioner.

INDERJIT SINGH, J.

The petitioner has filed this petition under Section 482 Cr.P.C. against respondent State of Punjab for quashing the FIR No.165 dated 12.09.2015 under Section 22 of the NDPS Act, registered at Police Station Ghall Khurd, District Ferozepur.

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

From the record, I find that as per prosecution version, when the police party headed by Sub Inspector Jasbir Singh was on patrolling from Talwandi Bhai to village Karmiti and was ahead of the cinema, one man (Harpal Singh) having plastic polythene in his hand was seen coming from the front. An offer was made and search was conducted as per law. Then 440 intoxicant tablets of Alprazolam, 15000 intoxicant tablets of pink colour without mark and 7000 intoxicant tablets of green colour without

mark were recovered, from which, two samples of 10-10 tablets from each bulk were separated. After investigation, challan was presented. On presentation of challan, trial Court framed the charges and the trial is going on. Learned counsel for the petitioner argued that FIR is liable to be quashed. As per Rule 65A, no person shall sell, purchase, consume or use any psychotropic substance except in accordance with the Drugs and Cosmetics Rules, 1945. He argued that the petitioner is licence holder, therefore, he cannot be tried under the NDPS Act.

From the record, first of all, I find that charges have already been framed, which have not been challenged by the petitioner by filing revision petition etc. Secondly, the trial Court has already taken the cognizance of the offence. Thirdly, when the tablets were recovered, the accused did not produce any bill regarding the purchase of the same. It looks that these tablets were not in strips but loose tablets. By carrying such a huge quantity of tablets, it cannot be held that these have been brought under the licence.

As already discussed, accused was apprehended on the way from Talwandi Bhai to village Kamiti on foot carrying these tablets without any bill. The recovery has not been effected from the shop. These facts, whether the petitioner was having valid licence for possessing these tablets or whether he was taking the same to some other place after purchasing or whether he was authorized for possessing all these tablets etc. are to be determined by the trial Court on the basis of the evidence to be produced by the parties. At this stage, trial Court has already taken the cognizance and in no way, it can be held that registration of FIR is abuse of process of law or

amounts to miscarriage of justice.

Therefore, finding no merit in the present petition, the same is dismissed.

August 01, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No