

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

CRM-M-8222 of 2017(O&M)
Date of Decision:24.05.2017

Ajit Kumar @ Ajit Aggarwal

.....PETITIONER

Vs.

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr.Sidhharth Gupta, Advocate for the petitioner.

Mr.Rajesh Mehta, Addl. A.G. Punjab.

AMOL RATTAN SINGH J. (ORAL)

Learned State counsel has submitted that the petitioner, being the owner of the shop, was unable to produce the bills in respect of the drugs stated to have been seized from the shop in the petitioner's absence, with his son actually attending the shop. Further as per learned State counsel, it should have been the petitioner himself, even as per the Rules framed under the provisions of the Drugs and Cosmetics Act, 1940, who should have been at the counter and therefore, the petitioner is liable to be prosecuted under the provisions of the NDPS Act, 1985, as also the Act of 1940.

Without making any comment on the aforesaid

contention, which would be gone into during the investigation carried out, and the trial if it comes to that stage, since admittedly the drugs seized are in possession of the investigating agency and the petitioner also, admittedly, had a valid licence for the sale of such drugs, whether it would be the provisions under the Drugs and Cosmetics Act, 1940, or under the provisions of the NDPS Act, 1985, that have been violated, would be the matter to be gone into in the proceedings initiated.

On a specific query, Mr. Mehta submits that no CCTV cameras were installed at the shop, by which the allegation that the raiding party, including the Drugs Inspector etc. were manhandled, can be substantiated, at this stage.

In view of the above, without making any comment on the actual merits of the allegations against the petitioner, which would be gone into by the investigating agency and by the trial Court at an appropriate stage, (if the matter reaches the stage of trial), the order dated 10.03.2017 is made absolute on the same terms and conditions.

The petition is disposed of accordingly.

May 24, 2017
KD/Anjal

(Amol Rattan Singh)
Judge