

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

206

CRM-M-15651-2018

Date of Decision: April 26, 2018

Sanjay Kumar

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Vijay K. Jindal, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Sudhir Mittal, J. (Oral)

The petitioner-Sanjay Kumar son of Girwar Lal Sharma, seeks grant of regular bail in case FIR No.12, dated 12.01.2017, under sections 18/21 of the NDPS Act, 1985, registered at Police Station Sadar, District Amritsar.

2. As per the FIR, on secret information the house of one Balwant Singh son of Davinder Singh let out to one Ajay Kumar was raided leading to the recovery of Ayurvedic drugs containing 'Opium'. A seizure memo was prepared and samples were sent for forensic examination. Report of FSL indicated that *Morphine* was present therein. The petitioner was arrested and challan was presented.

3. Learned counsel for the petitioner states that the petitioner is a registered *Vaid* and possesses licence to sell Unani and Ayurvedic drugs. **Rule 27 of the Punjab Narcotic Drugs and Psychotropic Substances Rules, 2012** (hereinreferred as 'Punjab Rules') requires that a licence should be obtained for selling manufactured drugs containing *opium*. Since the petitioner possesses the requisite licence, there is

no violation of law. Reliance is placed upon judgment dated 12.03.2018 in **CRM-M-36420-2017.**

4. Learned State counsel is not in a position to controvert the arguments of learned counsel for the petitioner.

5. Thus, the petition is allowed. Petitioner-Sanjay Kumar son of Girwar Lal Sharma, is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of learned trial Court concerned at Amritsar.

April 26, 2018

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No