

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

216

CRM-M-2251-2018

Date of Decision: February 23, 2018

Komal Bansal

.....Petitioner(s)

versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. P.S. Sekhon, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Sudhir Mittal, J. (Oral)

The petitioner seeks regular bail in case FIR No.102, dated 10.09.2017, under Sections 22 of NDPS Act, 1985, registered at Police Station Sadar Nabha, District Patiala.

2. Learned counsel for the petitioner contends that 40 bottles of Onerex and 50 strips of Carysoma are alleged to have been recovered from the petitioner. So far as the Carysoma is concerned, it is not a narcotic drug or psychotropic substance. Regarding Onerex syrup, learned counsel submits that he is licenced chemist and the licence is on record as Annexure P-4. Invoices at Annexure P-5 annexed to show that he has not purchased Onerex and therefore the submission is that the recovery is planted upon the petitioner.

3. Learned State counsel submits that according to the FSL report Onerex

contained 'Codeine', which is a narcotic substance and as per the licence (Annexure P-4), the petitioner is not entitled to stock any drug containing codeine. Thus, the submission is that the petitioner was stocking drug without a valid licence and therefore, he is criminally liable under the provisions of the NDPS Act, 1985

4. It cannot be disputed that the petitioner is a licensed chemist. Perusal of Annexure P-5 shows that he has not purchased Onerex from his distributor. That apart, being a licensed chemist, he would not take the risk of storing a drug not covered by his license. Prima facie, the prosecution story does not inspire confidence. However, this may not be taken as an expression of opinion that the petitioner was entitled to stock Onerex or that the said recovery was planted upon him.

5. In view of the above, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of learned trial Court concerned at Patiala.

February 23, 2018

sonia arora

[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned :

Yes/No

Whether Reportable :

Yes/No