

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

Sr.No.257

Criminal Misc.M-No.30796 of 2016

Date of Decision:23.08.2018

Kamal Kumar

....petitioner

Versus

State of Punjab

.....respondent

CORAM: HON'BLE MR.JUSTICE ARVIND SINGH SANGWAN

Present: None for the petitioner

Mr.J.P.Ratra, AAG Punjab

ARVIND SINGH SANGWAN, J. :

Prayer in this petition is for quashing of the FIR No.219 dated 04.10.2015, registered at Police Station Mandi Gobindgarh under Section 61 of Excise Act and Section 21,61 and 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, “NDPS Act”).

As per the allegations in the FIR, it is stated that 48 cases of country made liquor could not be placed in the vehicle of the petitioner and secondly that the recovery of 1000 Limotol Tablests do not fall in the definition of Narcotics as per the NDPS Act.

As per the reply filed by way of affidavit of DSP, Circle Amloh, District Fatehgarh Sahib, the Special Investigating Team, constituted to investigate the matter, had arranged 50 boxes of liquor make orange from a country liquor vend on temporary basis and the same were placed in the vehicle, similar to the vehicle of the petitioner and it was

found that in the dickey of the vehicle and in between its rear seats upto the level of seat, entire liquor can be placed and the same is not visible from outside.

Learned State counsel further submits that as per the FSL report (Annexure A1) it is stated that the contraband found containing Diphenoxylate Hydrochloride-2.1 mg/tablet and Atropine Sulphate 0.22 mg/tablets.

Learned State counsel on instructions from ASI Gurbachan Singh has further submitted that after completing the investigation, the challan has already been presented, the charges have been framed and one prosecution witness has also been examined and now the case is fixed for recording the prosecution evidence.

As noticed above, there is no representation on behalf of the petitioner. Accordingly, in view of the above affidavit filed by the respondent-State, this petition is dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

23.08.2018

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