

S.No.220

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

CRM-M-41245 of 2018 (O&M)

Date of Decision:24.09.2018

Goldy GumberPetitioner

Vs.

State of HaryanaRespondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Dr. Anmol Rattan Sidhu, Senior Advocate with
Ms. Sudha, Advocate for the petitioner.

Mr. Karan Sharma, AAG, Haryana.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.401 dated 24.07.2018 registered under Section 22(c) of the NDPS Act (Sections 21(a), 21(b), 21(c), 22(a), 22(b), 27(a) of NDPS Act and Sections 18(a), 18(c), 27 (b)(ii), 28 of the Drugs and Cosmetics Act, 1940 added later on) at Police Station Jind City, District Jind.

Counsel has pointed out that although several hundred tablets and injections of psychotropic drugs have been alleged to have been recovered from the petitioner, however, even if assuming the recovery from the petitioner to be correct, then also there is no recovery of commercial quantity of any narcotic substance. Counsel has relied upon the judgment passed by this Court in **CRM-M-35080 of 2018 – Rajvir Singh @ Raju v. State of Punjab** decided on 21.08.2018, to support his contention. It is further contended by counsel for the petitioner that the petitioner was a licensed chemist and his licence was valid uptill 31.01.2018. As per Rule 63 of the Drugs and Cosmetics Rules, 1945, there is an extension period of

six months; attached to the validity of the licence. Therefore, it is contended by the counsel that; being a licensed chemist, the petitioner has not committed any offence by keeping the above said manufactured medicines. The petitioner is in custody since 24.07.2018. The challan has already been filed. Therefore, the petitioner is not required for any investigation purposes.

On the other hand, counsel for the State contends that there is a huge recovery from the petitioner. However, the fact regarding the petitioner being a licensed chemist is not contradicted by the State. It is also not disputed that the petitioner is not required for any investigation purpose. Learned State Counsel has not pointed out any other case against the petitioner.

In view of the above, but without commenting upon merits of the case, the present petition is allowed. It is ordered that the petitioner be released on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

September 24, 2018
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No