

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

CRM-M-47399-2017

Date of decision:-20.2.2018

Jagjit Singh @ Jaggi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Ankur Bansal, Advocate
for the petitioner.

Mr.Rakeshinder Singh Sidhu, AAG, Punjab.

H.S. MADAAN, J.

This petition for regular bail has been filed by petitioner –
Jagjit Singh @ Jaggi – an accused in FIR No.145 dated 25.5.2017, under
Sections 409/380/120-B IPC and Section 22/29 of NDPS Act, registered
at Police Station Nakodar Sadar, District Jalandhar.

Briefly stated, facts of the case as per prosecution story are
that on 25.5.2017, a police party from Police Station Nakodar Sadar,

District Jalandhar while travelling in a private vehicle, was present at Adda Gohir in connecting with checking, where the police officer received a secret information that a De-addiction centre is set up in Civil Hospital, Nakodar, where drug addicts are given medicines for giving up taking drugs; that one of such medicines known as Buprenorphine is kept by staff nurse Asha Rani, who is maintaining the stock register also; that said Asha Rani in connivance with worker and councilor of the hospital, namely, Maninder Singh son of Parkash Singh and Computer Data Operator, namely Jagjit Singh @ Jaggi (present petitioner) son of Mohanlal of Jheer community, resident of Sandhu Chatha, Police Station Sadar, Kapurthala by getting the medicine Buprenorphine from the stock and by tampering with the stock register are selling the same to Rajinder Kumar @ Ashu son of Ramesh Kumar, resident of Bhagat Singh Nagar, Nakodar, who in turn sells it in Nakodar City and in the village around the same to drug addicts, in that way, Asha Rani, Staff nurse, computer operator Jagjit Singh and worker Maninder Singh in connivance with each other are committing theft of Government medicines, selling the same to Rajinder Kumar @ Ashu committing breach of trust and that they were doing so and Asha Rani, Maninder Singh and Jagjit Singh have sold the drug in question in heavy quantity to Rajinder Kumar @ Ashu; that they were standing outside Civil Hospital towards old Court Nakodar and are waiting for the customer and if a raid was conducted, they could be apprehended. Information being reliable, ruqa was sent to the police station, on the basis of which formal FIR was recorded. Raid was conducted at the disclosed place. The persons named were apprehended.

From the possession of accused, 300 tablets of Buprenorphine were recovered. The petitioner-accused had filed an application for regular bail in the Court of Sessions, which was declined by learned Additional Sessions Judge, Jalandhar vide order dated 29.11.2017, as such, he has approached this Court with same request.

Notice of the petition was given to respondent – State and counsel representing the State has put in appearance.

I have heard learned counsel for the parties besides going through the record.

Learned counsel for the petitioner states that there is gross violation of Sections 42 and 50 of NDPS Act, which makes the recovery doubtful; that the tablets in question does not fall within the ambit of purview of NDPS Act; that it is being used as pain reliever; that it is regulated under the Drugs and Cosmetic Act and Rules. He has referred to various authorities in support of his contention.

Whereas learned State counsel is vehemently opposing the request stating that no violation of any mandatory provision of Act had taken place; that the recovery effected from the accused amounts to commercial quantity attracting bar of Section 37 of the Act, therefore, no ground to grant regular bail to the petitioner is made out.

After hearing the rival contentions of the parties, I find that the pleas so taken by the counsel for the petitioner do not have much relevance here while determining the question for grant of regular bail. However, they may prove to be useful to the petitioner during the trial. The amount of contraband recovered comes within the definition of

commercial quantity, therefore bar of Section 37 of the Act comes into play. Even otherwise, allegations against the petitioner are very serious that he along with his co-accused had been committing theft of Government medicines committing criminal breach of trust with respect to the property so entrusted to such accused and then selling it of illegally to a drug peddler facilitating their supply to drug addicts, in that way boosting the drug addiction amongst people of the region. Such type of person needs to be dealt with sternly and no lenient view in the matter can be taken. Therefore, I do not find any reason to allow the petition.

Therefore, finding no merit in the petition, the same stands dismissed.

20.2.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No