

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

**CRM-M No. 18783 of 2019 (O & M)
Date of Decision:-10.07.2019**

Baldev Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Sherry K. Singla, Advocate
for the petitioners.

Mr. Hitten Nehra, Additional A.G., Punjab.

MANOJ BAJAJ J.(Oral)

CRM-20310-2019

Allowed as prayed for.

CRM-M-18783-2019

Petitioners Baldev Singh and Ajay Kumar have filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.20 dated 31.1.2019, under Sections 22/61/85 of NDPS Act, registered at Police Station Talwandi Sabo, District Bathinda.

As per FIR, on 31.1.2019 the police party was going from CIA Staff to Bathinda and when they reached near the tower of telephone company on the main road of Maur Mandi at about 2.30 PM, one aged

person alongwith another young boy was coming holding polythene bag in his right hand and on seeing the police party, they perplexed and tried to alight towards the left side on the road in the rough path. They were caught by the police on the basis of suspicion and on search, total 10010 intoxicating tablets were recovered from Baldev Singh and 2300 intoxicating tablets were recovered from Ajay Kumar.

Learned counsel for the petitioners contends that the petitioners are father and employee of Karamjeet Singh, respectively, who is running a chemist shop, namely, Aulakh Medical Hall. He contends that the son of the petitioner No.1 was authorized to store and sell these medicines in view of the License (Annexure P-2). Reliance has been placed upon the information dated 06.5.2019 delivered under Right to Information Act. The relevant information is extracted as under :-

- “1. As per Sr. No.1 : That as per the record of this office, license No.PB-BT3-137472 and PB-BT3-137473 has been issued to M/s Aulakh Medical Hall, Village Shekpura, Tehsil Talwandi Sabo, District Bathinda for retail sale of the medicines. This license was issued on 22.9.2008 and is valid till 21.9.2023. The owner of this firm is Sh. Karamjeet Singh and Shri Baldev Singh.
2. As pere Sr. No.2 : The drug Alprazolam and Drug Tramadol is a Schedule H1 drug as per Drugs and Cosmetics Act, 1940 and Rules 1945. A license holder can purchase, stock/distribute and also can sale these drugs as per the provisions specified in Drugs and Cosmetics Act, 1940 and Rules 1945.”

Besides, learned counsel for the petitioners has placed on record the bills (Annexure P-5) regarding purchase of the medicines purchased from wholesale chemist. He contends that the petitioners are working with Karamjeet Singh. According to him the possession of the alleged contraband cannot be construed as an offence punishable under the NDPS Act, 1985.

On the other hand, learned State counsel has opposed the prayer on the ground that the offence is serious, however, it is not disputed that son of petitioner No.1 holds a valid license, who is running a chemist shop under the name and style of Aulakh Medical Hall.

Considering the above and the fact that the trial is likely to consume some time, no useful purpose will be served by detaining the petitioners any further in custody. Resultantly, without commenting anything upon merits of the case, the petitioners are ordered to be released on regular bail subject to their furnishing the requisite bail bonds and surety bonds to the satisfaction of the trial Court.

The petition is allowed.

July 10, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No