

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-50332-2019 (O&M)
Date of decision: 03.12.2019

Parmod Kumar

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this 2nd petition is for grant of regular bail in FIR No.750 dated 01.08.2018 under Section 22 of NDPS Act, registered at Police Station City Sirsa, District Sirsa; earlier one was disposed of vide order dated 03.10.2018, by granting interim bail to the petitioner, awaiting the FSL report.

Learned counsel for the petitioner submits that after availing the interim bail, the petitioner has already surrendered before the trial Court on 19.03.2019 and since then, he is in custody. It is further submitted that in the FIR, it is stated that during inspection by the DCO, although it was found that the petitioner is having permission/licence under the Drugs and Cosmetics Act, 1940, but the drug namely Tarmoset containing Tramadol was found at his residence, which is not authorized premises under the licence. Learned counsel further submits that the petitioner is first offender and it is a matter of trial

whether the drug recovered from the petitioner would fall under the licence issued to the petitioner or not.

Learned State counsel, on instructions from ASI Radhey Shyam, has not disputed the factual position and filed the custody certificate dated 02.12.2019 in the Court today. As per the custody certificate, the petitioner is in custody for the last 10 months and 18 days and is not involved in any other case. It is further submitted that the charges have been framed and the prosecution evidence is yet to start.

Without commenting anything on merits of the case, considering the aforesaid submissions made by learned counsel for the parties, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

03.12.2019
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No