

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

Sr. No.212-a

CRM-M-16789-2020

DATE OF DECISION: 21.09.2020

AMANDEEP SINGH

..PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Vipul Jindal, Advocate with
Mr. Vishal Khatri, Advocate,
for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

SUDHIR MITTAL, J. (ORAL)

The petitioner seeks grant of regular bail in case FIR No. 40 dated 25.02.2020 registered at Police Station City Moga, District Moga, under Section 22 of NDPS Act, 1985.

Learned counsel for the petitioner has argued that the petitioner has been in custody since the date of registration of the FIR. Charges have not yet been framed and thus, the trial is not likely to be concluded at an early date. There is no other criminal case pending against the petitioner and thus, he deserves to be granted regular bail. Further, it has been submitted that the petitioner is a licensed Chemist under the Drugs and Cosmetic Act, 1940. He is licensed to store all kinds of drugs and psychotropic substances including those mentioned in Schedule H1 of the

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said Act. Thus, recovery of 2000 tablets of '*Tramadol*' from him would not render him criminally liable under the provisions of the NDPS Act, 1985.

Learned State counsel does not dispute the date of arrest of the petitioner and fact that the charges have not yet been framed. He, however, argues that vide Notification dated 13.08.2019 issued by the Food and Drug Administration of Punjab, special permission is required for storing '*Tramadol*'. The petitioner did not possess the special permission and thus, his prosecution under the NDPS Act, 1985 is justified.

Prima facie, it appears that an official of the Food and Drug Administration of the Punjab was entitled to issue the office order dated 13.08.2019 in exercise of his powers of a licensing authority under the Drugs and Cosmetics Act, 1940. Be that as it may, co-accused Jagtar Singh has been granted regular bail by this Court vide order of even date passed in CRM-M-16451-2020 and thus, on the principle of parity, the petitioner also deserves to be granted regular bail.

Accordingly, the petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

21.09.2020

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No