

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

CRM-M-38697-2020(O&M)

Date of decision : 26.11.2020

Ranjit Singh @ Lucy and another

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Ashok Giri, Advocate for the petitioners.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short, 'CrPC') for grant of regular bail to the petitioners in FIR No.111 dated 15.09.2020 under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station STF Phase IV, SAS Nagar, Mohali.

The allegations in the FIR are that Inspector Surinder Singh along with his police party were present at about 07.50 p.m. on barricade duty and were checking the vehicles coming from Mohali. During checking, a car bearing No.PB-65-AV-5593 make Honda Amaze of White colour was intercepted. The vehicle was driven by petitioner No.1-Ranjit Singh and the co-accused i.e. petitioner No.2 was sitting on the passenger seat. A Gazetted Officer, DSP, was called at the spot and during search 30 bottles containing

100 ml each of intoxicant syrup mark REXMAS were recovered lying near the hand-brake of the car. As per the report of CFSL, the contents of the syrup were found to be Chlorpheniramine Maleate and Codeine Phosphate. The recovery falls under the category of commercial quantity.

Learned counsel for the petitioner would contend that there is a valid bill, which has been appended as Annexure P-1, in which the batch number has been stated. The bill bears the same batch number as the bottles recovered from the petitioners. He would further contend that the petitioners are both employees of Singh Medicos, in whose name the bill (Annexure P-1) has been made.

He would further contend that the recovery was from a transparent bag and had it been the intention of the petitioners to illegally deal in the recovered intoxicants the same would not have been kept at the place where it was easily noticeable.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab, on instruction from ASI Sukhwinder Singh, has stated that there is nothing on the record nor anything has come forth during the investigation to show that the petitioners were in any way related or connected with Singh Medicos. He has further contended that the challan has already been presented in the case.

I have heard learned counsel for the parties.

In the present case, the allegations against the petitioners are that they were apprehended at the spot with 30 bottles containing 100 ml each of intoxicant syrup marked REXMAS. The contents of the syrup, as per the CFSL Report, were found to be Chlorpheniramine Maleate and

Codeine Phosphate. The quantity, as per the CFSL Report, also falls under the commercial quantity. Further, the argument raised by learned counsel for the petitioners that there is a valid bill for the said bottles is also of no avail to the petitioners at this stage inasmuch as, *prima facie*, there is nothing on the record to connect the petitioners to the said Singh Medicos. Also, a perusal of the bill (Annexure P-1) shows that the same is also dated 15.09.2020 and the FIR is also registered on 15.09.2020. However, the said bill is not said to have been in possession of the petitioners when they were apprehended. Therefore, at this stage, this Court cannot go into the said facts as the same would be a matter of trial. Further, the argument of learned counsel for the petitioners that had it been the intention of the petitioners to illegally deal in the intoxicants the same would not have been kept at the place where it was easily noticeable, also cuts no ice inasmuch as the fact remains that the petitioners have been apprehended at the spot and have not been able to show as to how they were in possession of 30 bottles of intoxicant syrup marked REXMAS.

In view of the above, I do not deem this to be a fit case for grant of regular bail to the petitioners. Accordingly, the present petition is dismissed.

It is, however, made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

(ALKA SARIN)
JUDGE

26.11.2020
Yogesh Sharma

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO