

CRM-M-35456-2019 (O&M)

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

Decided on: March 04, 2020.

(1)

CRM-M-35456-2019 (O&M).

Sanjeev Kumar

.. Petitioner

VERSUS

State of Punjab

.. Respondent

*** * ***

(2)

CRM-M-38154-2019 (O&M).

Ravinder Singh

.. Petitioner

VERSUS

State of Punjab

.. Respondent

*** * ***

CRM-M-35456-2019 (O&M)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.D.N.Ganeriwla, Advocate,
for the petitioner in CRM-M-35456-2019.**

**Mr.G.S.Goraya, Advocate,
for the petitioner in CRM-M-38154-2019.**

Mr.Ajay Pal Singh Gill, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present order will dispose of the above noted two petitions filed under Section 439 of the Code of Criminal Procedure, seeking regular bail in FIR No.108 dated 20.06.2019, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station, City Sunam, District Sangrur.

Learned counsel for the petitioners have, inter alia, argued that in the present case, the petitioners have been wrongly roped up and as per allegations contained in the FIR the alleged recovery from the petitioners is of 3400 intoxicating tablets. It is further submitted that petitioner Sanjeev Kumar is in the business of medicines and has a valid licence of Chemist and that the alleged recovery is within the parameters of law.

So far as petitioner Ravinder Singh is concerned, he was only a pillion rider on the motor cycle.

Learned State counsel has filed affidavit of Sukhwinder Pal Singh, Deputy Superintendent of Police, Sub Division, Sunam,

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whereby, it has been specifically stated that verification with regard to the license, copy of which has been produced by the petitioner was done and as per report petitioner Sanjeev Kumar is having drug license No.20430-NB and 20430-B, Regd. No. 12947 dated 9.3.2005, issued by the State Drugs Controlling and Licensing Authority, Punjab, Chandigarh, vide No. Drugs (6) 2005/2924 dated 15.3.2005, upto 8.3.2010, which has been renewed for a period from 09.03.2015 to 8.3.2020 by the Licensing Authority Sangrur Zone, Office of the Civil Surgeon, Sangrur vide No.ZLA/20-15/31 dated 4.3.2015.

I have heard the learned counsel for the petitioners as well as learned State counsel and have gone through the paper book.

So far as the affidavit filed by the State is concerned, the license of the petitioner Sanjeev Kumar is not in dispute as the same has been verified by the State itself. However, learned State counsel has opposed the bail petition on the ground that it has to be ascertained whether the quantity which he was carrying was within the permissible limit. Now a notification has been issued by the Food and Drug Controller, Punjab, wherein limit has been prescribed, however, this notification is dated 13.8.2019 whereas the alleged occurrence has taken place on 20.6.2019 which is prior to the said notification.

It is not disputed by both the learned counsels that the investigation in the case is complete, challan stands presented and charges have also been framed and one witness of the prosecution also stands examined.

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Considering the totality of the circumstances, both the petitions are allowed. It is ordered that the petitioners shall be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

A copy of the order be placed on the file of connected case.

March 04, 2020.	(JASGURPREET SINGH PURI)
raj arora	JUDGE
Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No