

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-2599-2021 (O&M)

Date of decision: - 16.02.2021

Kulwant Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Charanpreet Singh, Advocate, for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.
(keeping in view the advance copy given).

HARSIMRAN SINGH SETHI, J. (ORAL)

CRM-2230-2021

Application is allowed, as prayed for. Copy of license
(Annexure A-1) is taken on record.

CRM-M-2599-2021

Present second petition has been filed under Section 439
Cr.P.C for the grant of regular bail to the petitioner in respect of FIR
No.202 dated 20.09.2019, under Sections 22/25 of the Narcotic Drugs and
Psychotropic Substances Act, 1985 (for short 'NDPS Act'), registered at
Police Station Sadar Jagraon, District Ludhiana.

Though, in the body of the petition it has been mentioned
that brother of the petitioner, namely, Tajinder Singh runs a chemist shop
and he has already been issued a licence by the Department of Drug
Control on 27.06.2017, but at the time of hearing, learned counsel for the

petitioner submits that the said fact is incorrect and the licence to run a chemist shop has been issued in favour of son of the petitioner, namely, Tajinder Singh.

Learned counsel appearing for the petitioner submits that petitioner has been falsely roped in the present FIR. Learned counsel for the petitioner further submits that once the licence is already there in the name of son of the petitioner to run a chemist shop, the recovery of the intoxicant tablets cannot be treated as violation of the NDPS Act and the petitioner is entitled for the grant of benefit of regular bail.

Notice of motion.

Keeping in view the advance copy given, Mr. Ramdeep Partap Singh, Deputy Advocate General, Punjab, accepts notice on behalf of the respondent-State.

Learned State counsel submits that once the licence which is being relied upon by the petitioner is not in his name and the recovery has been done from him and not from a chemist shop, no benefit of the said licence to run a chemist shop can be given to the petitioner. Learned State counsel further submits that the Food & Drug Administration, State of Punjab has issued instructions dated 29.07.2019, wherein, it has been specifically clarified a fixed quantity of intoxicant tablets, which have been recovered from the petitioner, can be kept in a chemist shop, which quantity is far less than the number of intoxicant tablets which have been recovered from the petitioner.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The recovery of the intoxicant tablets which has been done from the petitioner is from his scooter as well as from his house and not from the chemist shop supposedly run by his son. It is not also being disputed by learned counsel for the petitioner that as per the instructions issued by the Government of Punjab dated 29.07.2019, the quantity of the intoxicant tablets, which can be kept on a chemist shop at a particular given of time has been fixed and the quantity of the intoxicant tablets recovered from the petitioner is much beyond the said limit fixed by the Government of Punjab. Nothing has come on record, as to why, the petitioner was carrying the said intoxicant tablets in huge quantity and that too beyond the permissible limit. Keeping the intoxicant tablets beyond a permissible limit even by a chemist *prima facie* will be violation of NDPS Act whereas petitioner is not a chemist himself.

Keeping in view the facts and circumstance of this case, huge quantity of the intoxicant tablets, which have been recovered from the petitioner, no ground is made out to grant the petitioner the benefit of regular bail.

Dismissed.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

February 16, 2021
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes
No