

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

CRM-M No. 27005 of 2021
Date of Decision: 06.10.2021

Surender Kumar

-Petitioner

Versus

State of Haryana

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. K.P.S. Virk, Advocate,
for the petitioner.

Mr. Anant Kataria, D.A.G., Haryana.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through video-conferencing.

Petitioner seeks grant of anticipatory bail under Section 438 Cr.P.C. in case bearing FIR No.153 dated 08.06.2021 registered under Sections 22-C and 29 of NDPS Act at Police Station Cheeka, District Kaithal.

Reply by way of affidavit of Kishori Lal, HPS, Deputy Superintendent of Police, Guhla, District Kaithal has been filed and the same is taken on record.

On 14.07.2021, following order was passed:-

*“The case has been taken up for hearing
through video-conferencing.*

Learned counsel for the petitioner contends that the petitioner is a licensed pharmacist, authorized stockist and wholesale dealer of the generic, ethical and Narcotic and Psychotropic drugs and is competent to stock and sell psychotropic drugs. Etizolam was not included in the list of prohibited psychotropic drugs prior to 23.03.2021. It was included in the prohibited psychotropic substances vide notification S.O. 1275 (E) dated 23.03.2021. Petitioner had purchased 16 boxes of this drug vide Batch no.T-321 of ALTOPRAX along with other medicines from duly authorized dealer namely MERZ Traders, Panipat on 12.12.2020 and the same was duly entered in the stock of the petitioner's firm as per rules. Thereafter, petitioner sold 800 strips to other licensed chemist upto 25.02.2021. All these events happened prior to 23.03.2021 and after the date of notification i.e. 23.03.2021, petitioner has not dealt with the aforesaid drug in any manner. Petitioner is ready to submit his stock register to the police along with other documents showing

sale and purchase of the drug prior to 23.03.2021.

Notice of motion for 06.10.2021.

In the meanwhile, petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 23.07.2021 at 11.00 A.M. and in the event of his arrest, he shall be enlarged on interim bail, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of Arresting Officer. However, petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Nothing expressed hereinabove shall be construed to be an opinion on the merits of the case. The case shall be decided on merits on the adjourned date.”

Learned State counsel with reference to para no.2 on merits of the reply and on instructions from SI Kulwinder submits that the petitioner has joined the investigation to the entire satisfaction of the Investigating Officer and he is no more required in further investigation of the case.

In view of above, order dated 14.07.2021 is hereby made absolute.

However, the petitioner shall keep on joining the investigation as and when required to do so by the Investigating Officer and shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Disposed of.

06.10.2021

Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No