

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

CRM-M-45176-2021 (O&M)

Date of decision: 24.03.2022

Anupam Chopra

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Ms. Meenu, Advocate
for the applicant-petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

CRM-10595-2022

Allowed as prayed for.

Documents are taken on record as Annexure P-6.

Main case

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 236 dated 29.07.2021, registered under Section 22 of the NDPS Act, 1985 at Police Station City Kapurthala.

Learned counsel for the petitioner submits that the FIR was registered at the instance of ASI Puran Singh on receiving a secret information that petitioner Anupam Chopra is running a Chemist shop and is selling intoxicant medicines and capsules in huge quantity and if a raid is conducted, the same can be recovered.

Learned counsel further submits that without following the procedure prescribed under Section 42 of the NDPS Act, i.e. without sending an information to the police station concerned, the same Investigating Officer, thereafter, put a barrier and arrested the petitioner with the allegations that he is carrying a polythene bag containing the intoxicant tablets/capsules.

Learned counsel further submits that thereafter, without following the procedure prescribed under Section 50 of the NDPS Act, the same Investigating Officer allegedly recovered 764 intoxicant capsules from the petitioner.

It is further submitted that in fact the petitioner was arrested from his shop and the CCTV footage of the shop is relied upon in this regard.

Learned counsel for the petitioner further submits that since the petitioner is a licenced chemist, therefore, it will be a matter of trial whether he was in possession of the medicines at his premises, as per his licence or not.

Learned counsel further submits that the petitioner is in judicial custody for the last about 07 months and the alleged recovery falls under non-commercial quantity. Learned counsel relies upon order dated 03.03.2022 passed by the trial Court to submit that charges have been framed by the trial Court under Section 22(b) of the NDPS Act i.e. for possessing the non-commercial quantity of the contraband.

Learned State counsel, on the basis of the affidavit of DSP, Sub Division Kapurthala, could not dispute that the recovery effected from the petitioner falls under non-commercial quantity, however, it is submitted that

one more case is pending against the petitioner, in which he is on bail.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is in judicial custody for the last about 07 months; he is a licenced chemist; the alleged recovery falls under non-commercial quantity and also in view of the fact that conclusion of trial is likely to take some time, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

24.03.2022

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No