



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

268-A

CRM-M-54401-2022 (O&M)

Date of decision: 18.07.2024

Jaspal Singh

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Vikram Chaudhari, Sr. Advocate;
Ms. Hargun Sandhu, Advocate;
Mr. Digvijay Singh, Advocate; and
Mr. Rishab Tewari, Advocate for the petitioner.

Mr. Aditya Sharda, DAG Punjab.

VINOD S. BHARDWAJ, J. (Oral)

1. The present petition has been filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in case FIR No.90, dated 01.10.2022 under Sections 21 & 22/61/85 of the NDPS Act, registered at Police Station Thermal Plant, Bathinda.

2. Learned senior counsel appearing on behalf of the petitioner *inter alia* contends that the petitioner was granted a license under the Drugs and Cosmetics Act, 1940 read with Drugs Rules, 1945 framed thereunder, however, certain drugs were excluded from the said license. The said exclusion has already been challenged by the petitioner in CWP-8253-2024.

He submits that as per the Drugs and Cosmetics Act, 1940 read with Drugs



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Rules, 1945 framed thereunder, the license is required to be issued in the statutory form prescribed thereunder and the State Government is not competent to carry out alteration/amendment in the statutory obligations as to how the permission is to be granted. It is submitted that under a similar condition, interim order had been passed by a Division Bench of Allahabad High Court in Writ-C No.3749 of 2023 titled as '**M/s. Kaladhar Prasad Grandsons and another Vs. State of U.P. and 4 others**'. He submits that the present case has been foisted against the petitioner for him being in possession of medicine/drugs despite being a licensed chemist. It is also submitted that the petitioner has no other criminal case or criminal antecedents and that he was granted an interim bail for a period of 03 weeks vide order dated 01.12.2022 passed by this Court. The said interim bail has been continuously extended. There has been no allegation of any misuse of the interim bail against the petitioner.

3. Learned State counsel does not dispute the aforesaid facts and submits that in the present case after conclusion of investigation, the challan has been presented, however the charges are yet to be framed.

4. Heard learned counsel for the parties.

5. Taking into consideration the circumstance noticed above, the investigation having been concluded and the matter being fixed before the trial Court for further proceedings, the petitioner being on interim bail since 01.12.2022 and having not abused the interim protection of bail, I deem it appropriate to allow the petition and the interim bail granted vide order



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dated 01.12.2022 passed by this Court is made absolute subject to his furnishing fresh bail and surety bonds to the satisfaction of the trial Court.

6. However, the petitioner shall continue to appear before the trial Court on each and every date fixed before it.

7. All other misc. applications, if any, stand disposed of.

(VINOD S. BHARDWAJ)
JUDGE

18.07.2024
Mangal Singh

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No