

223 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2024:PHHC:017960
CRM-M-55317-2023 (O&M)
Date of Decision: February 08, 2024

Paras Bhagi ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Manoj R. Sharma, Advocate for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

DEEPAK GUPTA, J.(Oral)

By way of present petition, petitioner prays for his release on regular bail in a case arising out of FIR No.57 dated 14.07.2023, under Sections 22, 27-A and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') (Section 29 of the NDPS Act was added later on), registered at Police Station Ghanie Ke Bhagar, Police District Batala, District Gurdaspur, Punjab.

2. As per the prosecution allegations, during investigation of earlier FIR No.32 dated 17.05.2023, under Section 22 of the NDPS Act, registered at Police Station Ghanie Ke Bhagar, one Rajender Singh was apprehended with intoxicating tablets, who during interrogation disclosed that he had procured the prohibited intoxicating tablets from Paras Medical Store Aliwal.

3. After associating the Drug Inspector, the police conducted raid at the said Medical Store, where co-accused Raj Rani was found present (mother of present petitioner). It was disclosed by her that Medical Store in question was being run by her son, i.e. petitioner and one Tejwinder. The search resulted in recovery of 68 tablets of

Alprazolam and total 770 other different tablets with different names, but all containing the salt of Tamadol, besides drug money of ₹14,500/-. Petitioner was later on arrested.

4. It is contended by learned counsel for the petitioner that petitioner was holding a valid license, copy of which is Annexure P-2. His further contention is that the recovered quantity of Tramadol Hydrochloride falls in the non-commercial category.

5. Today, learned State counsel has place on record copy of a letter received from Drugs Control Officer, Gurdaspur-II, who has verified that the firm of the petitioner was duly licensed to stock and sell the salts Alprazolam and Lorazepam in accordance with Rule 65 of the Drugs and Cosmetics Rule 1945. However, the letter further mentions that the firm of the petitioner, under its license is not permitted to stock and sell solid oral dosage form of Tamadol. At the same time, learned State counsel has informed that the total weight of Tramadol Hydrochloride in this case works out to be 167 grams, which falls in the non-commercial category.

6. As per the custody certificate placed on record by learned State counsel, petitioner is in custody for the last 05 months and 02 days, though involved in two more cases, pertaining to NDPS Act.

7. Having regard to the fact that the recovered quantity of contraband falls in the non-commercial category and the fact that petitioner is in custody for the last more than 05 months and even the investigation is not complete till date, as informed by learned State counsel, on instructions from ASI Sukhwinder Singh, but without

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commenting anything on the merits of the case, petitioner is admitted to bail. He is ordered to be released on regular bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

Allowed.

February 08, 2024

sarita

(DEEPAK GUPTA)
JUDGE

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