

Ajaypal Singh alias Ajay v. State of Punjab, (Punjab And Haryana) : Law Finder Doc Id # 1316336

PUNJAB AND HARYANA HIGH COURT

Before:- Mr. Hari Pal Verma, J.

Criminal Misc. No.M-30519 of 2018. D/d. 9.8.2018.

Ajaypal Singh alias Ajay - Petitioner

Versus

State of Punjab - Respondent

For the Petitioner:- Mr. Ashish Aggarwal, Advocate.

For the Respondent:- Mr. Surinder Pal Singh Tinna, Addl.A.G., Punjab.

Criminal Procedure Code, 1973 Section [439](#) Narcotic Drugs and Psychotropic Substances Act, 1985 Section [22](#) Bail Petitioner is stated to have come from Malaysia to meet his parents - Recovery was not effected from the petitioner individually, rather it was made from the house which is owned by his father, who is running a chemist shop - No such material has been brought to the notice of the Court to show that a chemist, who has been granted licence by the Government, cannot retain 3000 tablets of Alprazolam, even if unlabelled - Culpability for committing the crime is yet to be decided during the course of trial - Petitioner is not involved in any other case - Petitioner has been in custody for 8 months - Petition allowed.

[Paras 6 and 7]

JUDGMENT

Hari Pal Verma, J. (Oral) - Prayer in the present petition filed under section [439](#) of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.142 dated 04.12.2017 under Section [22](#) NDPS Act registered at Police Station Chohla Sahib, District Tarn Taran during the pendency of trial.

2. Learned counsel for the petitioner contends that the petitioner is settled in Malaysia and is working in some restaurant. He had come to India on 18.11.2017 to meet his family. His father is running a chemist shop, for which, necessary licence has been granted by the Drugs Controller, Department of Health and Family Welfare, Punjab. On 04.12.2017, a police party raided their house on the basis of some secret information and on making search of the annexe of the house of the petitioner, three polythene bags were recovered, out of which, 2400 injections of Oxytocin, 3000 unlabelled tablets containing the salt Alprazolam and 4000 unlabelled tablets containing the salt Tramadol Hydrochloride were recovered. He has further submitted that there is no other case against the petitioner, however, he is in custody since 04.12.2017.

3. Mr. Gurpreet Singh Sodhi, Drug Inspector is present in Court pursuant to order dated 01.08.2018 passed by this Court.

4. Learned State counsel, on instructions from ASI Charanjit Singh, has argued that the premises from where the recovery was effected is different to that of the shop, though the building is the same. He submits that though 4000 tablets, containing the salt of Tramadol Hydrochloride, did not fall under the NDPS Act, as on the relevant date, but 3000 tablets, which were recovered, found containing the salt Alprazolam, as per the report of the FSL.

5. I have heard learned counsel for the parties.

6. The petitioner is stated to have come from Malaysia on 18.11.2017 to meet his parents. The recovery was not effected from the petitioner individually, rather it was made from the house which is owned by his father, who is running a chemist shop. No such material has been brought to the notice of this Court to show that a chemist, who has been granted licence by the Government, cannot retain 3000 tablets of Alprazolam, even if unlabelled. Since the recovery was made from the house, which is owned by father of the petitioner and the petitioner had come to meet his parents from Malaysia only on 18.11.2017, this Court finds that his culpability for committing the crime is yet to be decided during the course of trial. Even otherwise, in the custody certificate so furnished, there is no reference that the petitioner is involved in any other case. Considering the fact that the petitioner is in custody since 04.12.2017 and trial in the case will take long time and no useful purpose will be served to keep the petitioner in custody, I deem it appropriate to release him on regular bail.

7. Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court.