

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM No. M-24479 of 2015
Date of decision : 04.08.2015**

Mahavir Parshad

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. G.S.Brar, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab.

JITENDRA CHAUHAN, J. (ORAL)

This is a third application filed under Section 439 Cr.P.C. for grant of regular bail in a case FIR No.72 dated 14.06.2012 registered under Sections 18 of the Narcotic Drugs and Psychotropic Substances Act, at Police Station Julkan, District Patiala.

Learned counsel for the petitioner contended that the alleged contraband recovered from the petitioner does not fall under the category of the NDPS Act; that the petitioner is behind the bars since 14.06.2012 and has already undergone more than three years; the trial is not going ahead; and that the petitioner is innocent. He further contends that the petitioner is not a previous convict and Section 37 of the Act is not attracted.

Learned State counsel, on the other hand, has opposed the said bail application on the ground that this is the third bail application; quantity of the contraband recovered from the petitioner is 10 kg of opium, which is heavy quantity; four witnesses have already been examined and next date for examination of witnesses is 7.08.2015.

I have heard learned counsel for the parties and perused the record with their assistance.

Four witnesses have already been examined and the next date for examining the remaining witnesses is 17.08.2015. The quantity of recovered contraband is heavy. The petitioner has already unsuccessfully approached this Court twice. There is no material change in the circumstances of the case.

Keeping in view the progress of the case and the fact that the remaining witnesses are likely to be examined on 17.08.2015, no ground is made out to grant the regular bail to the petitioner. Hence, the present petition is dismissed.

August 04, 2015
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(Jitendra Chauhan)
Judge