

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

(215)

CRM-M-26847-2015

Decided on: August 18, 2015.

Shingara Singh

.... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Parminder Singh Sekhon, Advocate,
for the petitioner.

Ms. Harpreet Kaur Athwal, DAG, Punjab.

M.M.S. BEDI, J (ORAL)

Petitioner seeks concession of bail under Section 167 (2) Cr.P.C, being in custody for having been found in possession of 960 tablets of alprazolam. 180 days after his arrest expired on 24.06.2015. The prosecution agency had filed an application for extension of time. The said application was allowed on 17.06.2015 for a period of 40 days. 40 days expired on 27.07.2015. Second application for extension of time was also filed and as such 15 days time was granted. The commercial quantity of alprazolam provided under the NDPS Act is 100 grams. The quantity recovered appears to be marginally higher than the said commercial quantity.

Without expression of any opinion on merits, it is sufficient to observe that the prosecution agency has not been able to present the challan after expiry of 40 days for which period the extension had been granted.

There is no provision for second application for further extension.

In view of above circumstances, the petitioner can be granted concession of bail under Section 167 (2) Cr.P.C. The petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the trial Court subject to the condition that he will not commit similar offence. In case of any such eventuality, it will be open to the prosecution agency to seek the cancellation of bail granted to the petitioner.

(M.M.S. BEDI)
JUDGE

August 18, 2015
harsha