

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

(213)

CRM-M-27776-2015

Decided on: October 29, 2015.

Harjinder Kumar

.... Petitioner

Versus

State of Punjab

..... Respondent

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

Present: Mr. H.S. Batth, Advocate, for the petitioner.

Mr. Gazi Mohammad, DAG, Punjab.

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

For having been found in possession of 255 grams of intoxicant powder containing diphenoxylate hydrochloride, the petitioner has been in custody w.e.f. 26.05.2015 as he had been granted concession of interim bail on 04.04.2014 while he was arrested on 05.12.2013.

Learned counsel for the petitioner has contended that the petitioner has not misused the concession of interim bail which was granted to him during the pendency of the period awaiting the report of chemical examiner. When the petitioner had been granted concession of interim temporary bail for a period from 04.04.2014 till 26.05.2015, the quantity of the contraband was not ascertained.

Since quantity of 255 grams of diphenoxylate hydrochloride is a commercial quantity by statute in view of provisions of Section 37 of the NDPS Act, I do not find any ground to grant concession of bail to the petitioner.

Charges have been framed in this case on 26.05.2015 and no witness has been examined.

This petition is disposed of with a direction that in case the trial is not concluded within a period of six months, it will be open to the petitioner to approach this Court again for grant of regular bail.

(M.M.S. BEDI)
JUDGE

October 29, 2015
harsha