

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-29148 of 2015

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Date of decision:22.9.2015

Sanjive Sebastean alias Sammy Gill

...Petitioner

v.

State of Punjab

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Tanundeeep Kumar, Advocate for Mr. D.S. Pheruman,
Advocate for the petitioner.

Mr. B.S. Bhullar, Assistant Advocate General, Punjab
for the respondent-State.

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Inderjit Singh, J.

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No.46 dated 30.5.2013 registered for the offence under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as 'the NDPS Act') at Police Station Fatehgarh Churian, Police District Batala, District Gurdaspur.

Notice of motion has been issued in this case.

Mr. B.S. Bhullar, learned Assistant Advocate General, Punjab has put in appearance on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner and learned Assistant Advocate General, Punjab appearing for the respondent-State and

have gone through the record.

As per the prosecution version, 820 Grams of intoxicated powder has been recovered from the present petitioner which was found containing Dextropropoxyphene salt and the same falls in commercial quantity. Therefore, bar of Section 37 of the NDPS Act will apply in this case and the petitioner is not entitled to the benefit of bail in the case of commercial quantity.

Learned counsel for the petitioner argued that the petitioner is in custody since 30.5.2013 and further the petitioner is suffering from disease.

As regards the disease suffered by the petitioner, I find that this bail petition has not been filed for grant of interim bail on medical ground. Rather, it is for grant of regular bail. Therefore, even on this ground, the bail cannot be granted in view of Section 37 of the NDPS Act.

However, the Superintendent of concerned jail is directed to take care to provide medical treatment if required by the petitioner as per rules.

As regards the fact that the petitioner is in custody since 30.5.2013, the trial Court is directed to dispose of the case expeditiously by giving short adjournments and if necessary even by hearing the case on day to day basis.

With these observations, the present petition is dismissed.

September 22, 2015.

(Inderjit Singh)
Judge

hsp