

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Criminal Misc.No.M-35120 of 2015 (O&M)

Date of decision: 16th October, 2015

Surinder Singh alias Khalsa

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. B.D.Sharma, Advocate,
for the petitioner.

INDERJIT SINGH, J.

Petitioner has preferred the instant petition under Section 439 Cr.P.C., seeking regular bail in case FIR No.51 dated 21.04.2013, registered at Police Station Chattiwind, District Amritsar, under Sections 21 and 22 of the Narcotic Drugs & Psychotropic Substances Act, 1985 (in short 'the Act').

Notice of motion.

On the asking of the Court, Ms. Simsi Dhir Malhotra, DAG, Punjab, has accepted notice on behalf of respondent(s)-State and contested the instant petition. Police record is also available.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

As per prosecution version, 100 grams of intoxicant powder containing diphenoxylate was recovered which falls in commercial quantity. As per Section 37 of the Act, bail cannot be granted in the case of recovery of commercial quantity.

Therefore, finding no ground to grant the benefit of regular bail to the petitioner, the instant petition stands dismissed.

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As the petitioner was earlier in custody and then was released on interim bail and now in custody since 01.08.2014, therefore, the learned trial Court is directed to expedite the trial by giving short adjournment and if required, adjourning the case on day to day basis. The case before the learned trial Court is fixed for 09.11.2015 for prosecution evidence. The concerned Investigating Officer is directed to produce all the remaining prosecution witnesses for examination before the learned trial Court on the date fixed.

16th October, 2015
mamta

(INDERJIT SINGH)
JUDGE