

CRM-M-36700 of 2014
Date of Decision: 16.01.2015

Arsh Thapar @ Noni

---Petitioner

versus

State of Punjab

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr.Sandeep Arora, Advocate
for the petitioner

Mr. Gazi Mohammad, DAG, Punjab
for the respondent-State

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

REKHA MITTAL, J.

The petitioner prays for grant of regular bail in FIR No. 64 dated 02.4.2013 for offence punishable under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 (in short “the Act”), registered at Police Station, Division No. 5, Jalandhar.

Counsel for the petitioner contends that the petitioner is in custody for the last more than one and a half year and only one witness has been examined till date. It is further submitted that as recovery allegedly effected from him is marginally more than the commercial quantity, he may be released on bail.

Counsel for the State has opposed the prayer with the submissions that recovery of 110 grams of intoxicating powder falls within

the purview of the Act was effected from the petitioner and in view of the provisions of Section 37 of the Act, the petitioner is not entitled to bail. He further submits that 02 witnesses have been examined as on date. Every effort would be made to ensure presence of remaining witnesses on the date fixed.

I have heard counsel for the parties and perused the records.

The recovery from the petitioner falls within the purview of commercial quantity. There is no material available to record a finding that the petitioner is not guilty of such offence and that he is not likely to commit any offence while on bail.

In view of the above, the petition is dismissed but the trial court is directed to expedite conclusion of prosecution evidence.

(REKHA MITTAL)
JUDGE

16.01.2015
PARAMJIT