

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

**Crl. Misc. No. M-8460 of 2015
Date of decision : 20.03.2015**

Salim Kumar

..... Petitioner

versus

State of Punjab

... Respondent

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

**Present: Mr. Om Pal Sharma, Advocate
for petitioner.**

Mr. K.S. Aulakh, AAG Punjab.

ANITA CHAUDHRY, J.

Heard.

The petitioner is seeking regular bail in FIR No. 64 dated 10.05.2014 registered at Police Station Division No.7, Ludhiana, under Sections 22 and 61 of the Narcotic Drugs and Psychotropic Substances Act (for brevity, 'the Act').

The petitioner was earlier released on interim bail as the report of FSL had not been received. After the receipt of the report, the petitioner was asked to surrender and was taken into custody on 28.01.2015. Charge has been framed against the petitioner on 28.01.2015.

The contention of the petitioner is that compliance of Section 50 of the Act has not been made and the trial would end in acquittal. Counsel has referred to **Ashok Kumar Sharma Vs. State of Rajasthan 2013(2) Recent Apex Judgments-67, Navdeep Singh Vs. State of Haryana 2013(2) SCC 584, State of Rajasthan Vs. Parmanand & Anr. 2014 Crl. Law Journal 1756 and Manoj Kumar Vs. State of Haryana 2014(2) RCR(Crl.) 811.**

Learned State counsel submits that the merits of the case are

not to be gone into nor any finding has to be given regarding mandate of Section 50 of the Act in a prayer for bail.

I have gone through the case law referred to by the petitioner. In all the cases relied upon by learned counsel for the petitioner, the issue was examined after a complete trial when the prosecution had led its evidence. In the present case the trial is yet to begin. Merits of the case are not to be gone into. The recovery is commercial quantity. No ground for bail is made out. Petition is dismissed.

March 20, 2015
Jiten

(ANITA CHAUDHRY)
JUDGE