

CRM-M-13930-2016

Date of Decision : 20.05.2016

Sandeep Singh @ Bhaga

.....Petitioner

versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI**Present:** Mr. Bikramjit Aroua, Advocate
for the petitioner.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

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

The petitioner seeks concession of regular bail in a case of recovery of 260 grams of intoxicating powder containing Diphenoxylate Hydrochloride. The petitioner after having been arrested on 04.08.2014 was granted interim bail on 05.01.2015 till 03.12.2015.

Learned counsel for the petitioner submitted that no doubt the quantity alleged to have been recovered is commercial quantity but at the same time it has been submitted that the petitioner has not misused the concession of interim bail.

I have heard learned counsel for the petitioner and gone through the police file. The petitioner had been granted interim bail solely to wait the report of the Forensic Science Laboratory. The provisions of Section 37 of the NDPS Act would operate as an obstacle to the grant of bail to the petitioner at this stage.

Learned counsel for the petitioner submitted that petitioner is not established to have been in conscious possession of the contraband and there are statutory violations warranting acquittal of

the petitioner. All these pleas can be taken up by the petitioner before the trial Court during trial.

The petition is disposed of with a direction that the trial Court shall make earnest endeavour to conclude the trial within a period of six months after the next date of hearing. In case, the trial is not concluded within the period as mentioned hereinabove, it will be open to the petitioner to approach this Court again for grant of bail.

(M.M.S. BEDI)
JUDGE

20.05.2016
Neha