

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

CRM-M No. 140 of 2016 (O&M)

Date of Decision: 29.03.2016

Bagicha Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Mohammad Imran, Advocate
for the petitioner.

Mr. Mikhail Kad, Assistant Advocate General, Punjab
for the respondent/State assisted by HC Rajinder Singh.

JASWANT SINGH, J. (ORAL)

Prayer in the present petition under Section 439 of Cr.P.C. on behalf of the accused/petitioner-Bagicha Singh is for grant of regular bail in case FIR No. 27, dated 13.03.2013 for offences punishable under Sections 15/25/61/85, Narcotic Drugs and Psychotropic Substances Act, registered at Police Station Sidhwan Bet, District Ludhiana.

On a Nakabandi at night, a black Alto Car bearing registration No. PB-10BR-6853 was seized, containing 105 kgs. of poppy husk and two occupants are alleged to have fled away from the scene.

Ownership of the car is registered in the name of the co-accused-Kuldeep Kaur and during investigation, the name of her husband i.e. present petitioner-Bagicha Singh and son/co-accused-Sukhdev Singh has surfaced.

It is contended that as per FSL report, seized quantity is commercial in nature and rest of two co-accused have been enlarged on pre-arrest bail. It is further contended that the petitioner is in custody

since 29.10.2014 and the evidence of nineteen cited prosecution witnesses is yet to commence.

Learned State Counsel, assisted by HC Rajinder Singh, does not refute the aforesaid factual position, however, he submits that in view of the seized quantity being commercial, no case for grant of bail in the light of bar under Section 37, Narcotic Drugs and Psychotropic Substances Act, is made out.

No doubt, the bar under Section 37, Narcotic Drugs and Psychotropic Substances Act, is applicable, it cannot be lost sight of the fact that the petitioner is in custody since last one year and five months and the evidence of the nineteen prosecution witnesses, who are merely official, is yet to commence.

Without commenting on the merits of the case, the present petition is dismissed.

However, the prosecution is directed to complete the evidence of the cited witnesses within two months from the next date of hearing and the trial Court, thereafter, would endeavour to conclude the trial within next one month.

Disposed of in the above terms.

March 29, 2016

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**(JASWANT SINGH)
JUDGE**