

CRM-M-14928-2016

Date of Decision : 06.05.2016

Manish Kumar Mehta @ Monu

.....Petitioner

versus

State of Punjab

....Respondent

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

Mr. Jashanpreet Singh, AAG, Punjab.

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

The petitioner seeks concession of regular bail in a case of having been found in possession of 120 grams of powder containing Diphenoxylate Hydrochloride. The said quantity is commercial. Counsel for the petitioner submits that the petitioner had been granted interim bail on 18.02.2015 awaiting the report of Forensic Science Laboratory but on receipt of report, he had surrendered and taken in custody. The period of bail had not been misused by the petitioner as such he may be granted the concession of bail.

I have considered the facts and circumstances of the present case. The good conduct of the petitioner during interim bail will not *ipso facto* create a right to the petitioner for extension of the interim bail which was granted only for a limited purpose to wait for the report of Chemical Examiner. On receipt of report of Chemical Examiner, the quantity of contraband was found to be commercial quantity, bringing into operation the provisions of Section 37 of the NDPS Act which does not entitle the petitioner for grant of bail.

Counsel for the petitioner has referred to few irregularities contending that on account of breach of statutory obligations and defective investigation, the petitioner should be granted the concession of bail.

Without expression of any opinion on merits of the case, I deem it appropriate and expedient in the interest of justice to dispose of this petition with observations that the circumstances of the present case warrant expeditious trial giving fair opportunity to the petitioner to take an advantage of the adversary system of trial and impeach the credibility of the prosecution witnesses regarding the alleged recovery having been effected from the petitioner. The only relief which can be granted to the petitioner is that the trial Court would be required to conclude the trial within a period of six months after the next date of hearing. A direction is issued to the prosecution agency to make earnest endeavour to produce the witnesses expeditiously. Taking into consideration the statutory right of an accused under Article 21 of the Constitution of India for expeditious trial and right of life and liberty and the statutory right under Section 309 Cr.P.C., it is ordered that in case the trial is not concluded within a period of six months after the next date of hearing, the trial Court shall release the petitioner on bail on his furnishing bail bonds/surety bonds to its satisfaction, in case, the delay is not attributable to the petitioner.

(M.M.S. BEDI)
JUDGE

06.05.2016
Neha