

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

**CRM No.M-15860 of 2016
Date of Decision: 17.05.2016**

Resham Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HONBLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Deepak Aggarwal, Advocate
for the petitioner.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

M.M.S. BEDI J. (ORAL)

The petitioner has been in custody w.e.f. 17.02.2015 for having been found in possession of 23 vials of Rexcof Syrup weighing 100 ml. each along with 210 tablets of Carisoprodol. Admittedly, the Carisoprodol tablets do not fall under the ambit of the NDPS Act.

Learned counsel for the petitioner states that the petitioner has been in custody for the last one year and three months but no prosecution witnesses has been examined till date, despite the fact that the charges had been framed on 08.09.2015.

Considered the quantity of the codeine recovered from the petitioner, which is apparently a commercial quantity, in view of the provisions of Section 37 of the NDPS Act, the petitioner cannot be granted the concession of bail but taking into consideration the fact that he has been in custody for last one year and three months without any witness having been examined, in the interest of justice, it is ordered that in case the

prosecution agency is not able to produce all the witnesses within a period of six months after the next date of hearing including the period of summer vacation, the trial Court shall release the petitioner on bail on his furnishing bail bonds/surety bonds to the satisfaction of the trial Court.

Disposed of with the above directions.

(M.M.S. BEDI)
JUDGE

17.05.2016
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