

**228 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM No. M-17463 of 2016.

Decided on: 22.08.2016.

Vikram Singh @ Vicky and another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Sanjay Malik, Advocate,
for the petitioner.

Mr. Arshdeep S. Kler, DAG, Punjab &
Mr. Luvinder Sofat, AAG Punjab.

JITENDRA CHAUHAN.J.(ORAL)

By filing this petition, under Section 167(2) of the Code of Criminal Procedure, the petitioners seek default bail in FIR No.84 dated 06.10.2015 registered under Section 22 of the NDPS Act, 1985 at Police Station Mullanpur.

It is contended by the learned counsel for the petitioners that the FIR, in the instant case, was registered on 06.10.2015. The petitioners were arrested on the same date i.e. 06.10.2015. The custody of the petitioners was authorised to the Police on 07.10.2015. The period of 180 days expired on 03.04.2016. The petitioners filed application under Section 167(2) Cr.P.C before the trial Court on 05.04.2016. However, the same was withdrawn as the prosecution had filed application under Section 36-A of the NDPS Act

on 02.04.2016 for extension of time. The trial Court adjourned the matter to 12.04.2016 for filing reply by the accused. On 12.04.2016 the petitioners once again filed application under Section 167(2) Cr.P.C for grant of default bail. The trial Court vide order dated 12.04.2016 dismissed the application filed by the accused/petitioners whereas, the application filed by the prosecution for extension of time was allowed and the time was extended for 15 days i.e. upto 26.4.2016. On 26.04.2016 another application was was filed by the prosecution for extension of time. The same was allowed and the time was extended for 30 days more. It is further contended that the samples are in the custody of a Drug Inspector authorised under the Drugs and Cosmetics Act, 1940 and not authorised under the NDPS Act and as such, his report is of no legal value under the law.

On the other hand, the learned State counsel opposes the bail application and submits that now, the FSL report has been received and the substance recovered from the accused is found to be covered by the NDPS Act.

I have heard the learned counsel for the parties and have gone through the case file.

If the time for presentation of challan is extended by the trial Court and the challan is presented within the extended time, the same is deemed to be presented within time. Considering the fact that now, the FSL report has been received and the challan has been filed

within the permitted period, this Court is of the opinion that no case for bail is made out.

Finding no merit, the petition is dismissed.

22.08.2016.
SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No