

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

(212)

CRM-M-25661-2016

Decided on: August 03, 2016.

Harcharan Singh

.... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. R.S. Bajaj, Advocate, for the petitioner.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

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

For having been found in possession of 260 grams of intoxicant powder containing diphenoxylate hydrochloride, the petitioner was arrested on the spot. The petitioner was granted interim bail on 13.02.2015 but has again been taken into custody on 11.03.2016.

Petitioner seeks concession of regular bail contending that the statutory provisions of Section 50 of the NDPS Act were not complied with at the time when the alleged recovery had been effected.

Learned counsel for the petitioner submits that the petitioner having not misused the interim bail, can be granted the relief of regular bail during trial.

With the assistance of learned State counsel, I have gone through the record and have heard learned counsel for the petitioner.

It is apparently a case of recovery of commercial quantity of intoxicating powder containing diphenoxylate hydrochloride. It will not be

appropriate for this Court to enter into the niceties of the trial while considering the bail application on account of the bar under Section 37 of the NDPS Act.

This petition is disposed of with a direction to the trial Court to make an earnest endeavour to conclude the trial within a period of five months after the next date of hearing as only three witnesses out of eleven, stand examined. In case the trial is not concluded within a period of five months after the next date of hearing, it will be open to the petitioner to approach this Court again for grant of regular bail.

(M.M.S. BEDI)
JUDGE

August 03, 2016
harsha

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No