

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

(218)

CRM-M-3145-2016

Decided on: February 23, 2016.

Salim Kumar

.... Petitioner

Versus

State of Punjab

.... Respondent

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

Present: Mr. Vishal Sharma Haritwal, Advocate, for the petitioner.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

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

Petitioner has been in custody for the last more than two years in a case of recovery of 130 grams of intoxicating powder, containing diphenoxylate hydrochloride.

The prosecution agency has examined only four out of ten prosecution witnesses.

Taking into consideration the fact that the quantity above 50 grams of diphenoxylate hydrochloride is commercial quantity and on account of applicability of Section 37 of the NDPS Act, the petitioner cannot be granted the concession of bail at this stage, but I deem it appropriate to dispose of this petition with a direction to prosecution agency to produce the remaining witnesses within a period of two months from the next date of hearing. Ordered accordingly.

In case, the prosecution agency is not able to complete the evidence after the next date of hearing fixed before the trial Court, the trial Court shall release the petitioner on bail on his furnishing bail bonds/surety bonds to its satisfaction on an application being filed within abovesaid period.

(M.M.S. BEDI)
JUDGE

February 23, 2016

harsha