

*IN THE HIGH COURT FOR THE STATES OF PUNJAB  
AND HARYANA AT CHANDIGARH.*

Cr. Misc. M 32863 of 2016  
Date of decision: 5.12.2016

Kamaljit Kumar @ Bobby

Petitioner

vs.

State of Punjab

Respondent

Present: Mr. Lakhjwinder S. Lakhanpal, Advocate.  
Ms. HK Athwal, DAG, Punjab

**M.M.S.BEDI,J.**

The petitioner was arrested on 12.4.2015 on the allegation of having been found in possession of 95 grams of intoxicating powder containing Diphenoxylate. He was granted interim bail on 10.9.2015, which was cancelled on 9.5.2016.

Counsel for the petitioner submits that the petitioner has not misused his liberty when he was granted interim bail.

I have heard counsel for the parties and gone through the police record, which indicates that the allegation against the petitioner is that he was found in possession of commercial quantity of Diphenoxylate Hydrochloride.

In view of bar of Section 37 of NDPS Act, the petitioner cannot be granted the concession of bail. Since the prosecution has already examined 4 witnesses out of 10 cited witnesses, this petition is disposed of with a direction that the trial court shall record the statements of the material witnesses expeditiously and would make an earnest endeavour to conclude the trial within a period of five months from today by giving fair opportunity to the petitioner to produce defence evidence. In case, for any reason, the trial could not be concluded within the aforesaid period, the trial court shall release the petitioner on bail on his furnishing bail bonds/ surety bonds to its satisfaction.

December 5 ,2016  
TSM

( M.M.S.BEDI )  
JUDGE

Whether speaking/ reasoned

Yes/ No

Whether Reportable

Yes/ No