

CRM-M-33131-2016

Date of Decision : 23.09.2016

Mahavir Singh

.....Petitioner

versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI**Present:** Mr. Rishu Mahajan, Advocate
for the petitioner.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

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

Petitioner was arrested on 19.11.2014 along with 100 grams of intoxicating powder which on examination was found to contain Diphenoxylate Hydrochloride. Petitioner had been granted interim bail on 02.12.2014 which he enjoyed till 31.05.2016.

Learned counsel for the petitioner submits that the petitioner never misused the liberty and claims benefit of his said conduct.

I have taken into consideration the facts and circumstances of the case. The quantity of salt recovered from the petitioner is a commercial quantity attracting provision of Section 37 of the NDPS Act but taking into consideration the fact that the trial has been pending since 2014 and charges having been framed only on 07.06.2016, no evidence having been produced till date, in the interest of justice, this petition is disposed of with a direction that trial Court shall make an earnest endeavour to record the

statements of all the prosecution witnesses within a period of four months from the next date of hearing. A direction is also issued to the investigating agency to ensure that all the witnesses are examined within a period of four months after the next date of hearing.

It is ordered that in case, for any reason, the evidence of the prosecution is not completed within a period of four months, the trial Court shall itself release the petitioner on bail on his furnishing bail bonds/surety bonds to its satisfaction.

(M.M.S. BEDI)
JUDGE

23.09.2016

Neha

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No