

CRM-M-33134-2016

Date of Decision : 23.09.2016

Gurbhej Singh @ Bheja

.....Petitioner

versus

State of Punjab

....Respondent

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

Ms. Simsi Dhir Malhotra, DAG, Punjab.

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

For having been found in possession of commercial quantity of Diphenoxylate Hydrochloride i.e. 80 grams, the petitioner was arrested on 04.10.2015. During the waiting period of the report of Forensic Science Laboratory, he was granted interim bail on 10.11.2015 till 30.08.2016.

Learned counsel for the petitioner has submitted that the petitioner has not misused the liberty, as such, he may be granted the concession of bail.

Taking into consideration the fact that commercial quantity of Diphenoxylate Hydrochloride has been recovered from the petitioner and considering the bar under Section 37 of the NDPS Act, I do not find any ground to grant the concession of bail to the petitioner.

Striking a balance between the right of the petitioner and the prosecution agency, 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 after the next date of hearing. In case, for any reason, all the prosecution witnesses are not examined within the said period, 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