

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

**CRM-M No.3363 of 2016 (O&M)
Date of Decision: 03.03.2016**

Pardeep Kumar

..... Petitioner

Vs.

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Fariad Singh Virk, Advocate for the petitioner.

Mz. Rimplejeet Kaur, Assistant Advocate General, Punjab
for the respondent/State assisted by ASI Mohan Singh.

JASWANT SINGH, J. (Oral)

Present 2nd petition is for grant of regular bail under Section 439 Cr.P.C. to the petitioner/accused-Pardeep Kumar in case FIR No.149 dated 26.07.2014, under Sections 22/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), registered with Police Station Sadar Patiala, District Patiala (**Annexure P-1**).

There is a recovery of 850 *Capsules* containing the salt "*tramadol hydrochloride*" while petitioner-Pardeep Kumar along with his co-accused/non-applicants Gaurav Dhiman and Naresh Kumar were travelling on a motorcycle, apart from a recovery of 1200 *tablets* containing *diphenoxylate hydrochloride* on the disclosure statement of the petitioner/accused-Pardeep Kumar himself, which concededly falls in the category of being commercial in nature under the NDPS Act.

It is contended that the petitioner is in custody since 26.07.2014 and since 05.05.2015 i.e. the date fixed for prosecution evidence, only 05 out of 11 cited official prosecution witnesses have since been examined.

Learned State Counsel, assisted by ASI Mohan Singh, does not refute the custody period and the fact that only 05 prosecution witnesses till now have been examined. She further submits that next date fixed is 14.03.2016.

In view of the bar under Section 37 of the NDPS Act, no case for grant of bail is made out.

Accordingly, the present petition is dismissed. However, it is hoped that the trial Court would conclude the trial within three months of the next date of hearing.

March 03, 2016

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**(JASWANT SINGH)
JUDGE**