

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

Cr. Misc. M 36621 of 2016
Date of decision: 21.10.2016

Balbir Kumar @ Kala

Petitioner

vs.

State of Punjab

Respondent

Present: Mr. Ashok Giri, Advocate.
Ms. Simsi Dhir, DAG, Punjab

M.M.S.BEDI,J.

The petitioner remained on interim bail during the awaiting period for the report of Chemical Examiner. As per report, the contents of 100 grams intoxicating powder contained Diphenoxylate Hydrochloride., for which commercial quantity prescribed under the NDPS Act is 50 grams.

Counsel for the petitioner has vehemently contended that there are glaring violations of mandatory provisions of NDPS Act, which entitle the petitioner for acquittal.

I have considered the contention of counsel for the petitioner and I am of the opinion that it will not be appropriate for this court to enter in to the niceties of the trial, at this stage, to determine the culpability of the petitioner, especially when u/s 37 of NDPS Act, the petitioner does not appear to be entitled to the grant of bail.

Dismissed. However, taking into consideration the peculiar circumstances of the case, a direction is issued to the trial court to conclude the trial within a period of five months. The trial court shall ensure that short dates are given for expeditious disposal of the trial. In case the trial is not concluded within the aforesaid period, the petitioner will be at liberty to approach this court again.

October 21 ,2016
TSM

(M.M.S.BEDI)
JUDGE

Whether speaking/ reasoned

Yes/ No

Whether Reportable

Yes/ No