

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

(220)

CRM-M-36597-2015

Decided on: February 05, 2016.

Feroz Khan

.... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. D.S. Virk, Advocate, for the petitioner.

Mr. Gurdas Singh Salwara, DAG, Haryana.

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

Petitioner seeks concession of regular bail in a case of recovery of 240 bottles of Rexcof and 2500 tablets of Carisoma.

In view of recovery of commercial quantity of codeine phosphate, no ground is made out to grant regular bail to the petitioner in view of provisions of Section 37 of the NDPS Act.

Learned counsel for the petitioner has submitted that the petitioner has been in custody w.e.f. 22.02.2015 and that till date no witness has been produced by the prosecution agency. He has placed reliance on order passed by this Court in CRM-M-18730-2014 Sachin Vs. State of Haryana decided on 26.09.2014 wherein in a case of recovery of 900 bottles of Rexcof from accused, he was granted concession of bail.

I have gone through the said order wherein the Court had believed report of Drug Inspector to hold that the quantity of codeine

phosphate recovered from the accused was 135 grams of psychotropic substance. No principle of law in context to Section 37 of the NDPS Act has been laid down in the said judgment.

Learned counsel for the petitioner has submitted that the petitioner holds a valid licence to run the chemist shop and that the said plea has not been considered by the trial Court while rejecting the application.

Learned State counsel clarifies that the licence is applicable in State of Rajasthan whereas the recovery has been effected from a place in Haryana.

In view of said circumstances, no ground is made out to grant bail to the petitioner.

The petition is dismissed. It is directed that in case the prosecution agency is not able to produce all the witnesses within a period of six months, it will be open to the petitioner to approach this Court again for grant of regular bail.

(M.M.S. BEDI)
JUDGE

February 05, 2016
harsha