

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

(222)

CRM-M-36993-2015

Decided on: January 12, 2016.

Palwinder Singh alias Pindi

.... Petitioner

Versus

State of Punjab

..... Respondent

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

Present: Mr. Bikramjit Aroura, Advocate, for the petitioner.

Mr. Jashan Preet Singh, AAG, Punjab.

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

Petitioner was allegedly found in possession of 250 grams of intoxicating powder which on chemical analysis was found to contain diphenoxylate hydrochloride for which the commercial quantity prescribed is 50 grams as per the statute.

Learned counsel for the petitioner has submitted that the petitioner had been granted concession of interim bail on 28.11.2013 while the report of the chemical examiner was still awaited. After receipt of report of Forensic Science Laboratory, the petitioner had surrendered on 10.07.2015.

Learned counsel for the petitioner submits that the petitioner has not misused the interim bail and that on account of petitioner having not been involved in any other case, he may be granted concession of bail.

I have heard learned counsel for the petitioner and carefully considered the facts and circumstances of the case and I am of the opinion that on account of commercial quantity of diphenoxylate hydrochloride

having been recovered, the provisions of Section 37 of the NDPS Act would be operative creating a hindrance for the grant of regular bail to the petitioner though the petitioner has been in custody for about 8 months and 13 days and only three witnesses stand examined as yet.

Without expression of any opinion on merits of the case, the petition is dismissed. In case, the trial is not concluded within a period of six months after the next date of hearing, it will be open to the petitioner to approach this Court again for grant of regular bail.

(M.M.S. BEDI)
JUDGE

January 12, 2016
harsha