

CRM-M-4167-2016

Date of Decision : 04.08.2016

Kuldeep Singh @ Keepa

.....Petitioner

versus

State of Punjab

....Respondent

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

Ms. Simsi Dhir Malhotra, DAG, Punjab.

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

The petitioner along with Raj Kumari and Ram Pyari was found in possession of 260 grams of intoxicating powder and 10 grams of heroin contained in an envelop while travelling in a Scorpio Car on 25.08.2015.

Learned counsel for the petitioner submits that the co-accused of the petitioner, Raj Kumari has been granted concession of regular bail by this Court. It is pertinent to observe here that the lady accused has been granted concession of pre-arrest bail on account of a debatable issue whether the lady could be said to be in conscious possession of the contraband which was recovered while travelling with the petitioner in a Scorpio Car. Petitioner being owner and occupant of the vehicle cannot claim parity with the co-accused. It is not out of place to observe here that the intoxicating powder which has been recovered from the possession of the petitioner has been found to be commercial quantity of Alprazolam.

In view of the provisions of Section 37 of the NDPS Act,

petitioner cannot be granted bail at this stage. The petition is dismissed.

It has been brought to the notice of the Court that no prosecution witness has been examined till date. While dismissing this petition, it is directed that the trial Court shall make an earnest endeavour to conclude the trial by examining all the prosecution witnesses within a period of five months. In case the trial is not concluded within a period of five months after the next date of hearing, the trial Court shall release the petitioner on bail on his furnishing bail bonds to its satisfaction.

(M.M.S. BEDI)
JUDGE

04.08.2016
Neha

Whether Speaking/Reasoned: Yes/No

Whether Reportable: Yes/No