

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

(212)

CRM-M-43004-2015

Decided on: February 10, 2016.

Gurpreet Singh Gopi

.... Petitioner

Versus

State of Punjab

..... Respondent

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

Present: Mr. C.L. Verma, Advocate, for the petitioner.

Mr. Jashan Preet Singh, AAG, Punjab.

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

For having been found in possession of commercial quantity of a powder found to contain diphenoxylate hydrochloride, the petitioner has been in custody w.e.f. 03.04.2015.

On account of applicability of Section 37 of the NDPS Act, no ground is made out to grant concession of bail to the petitioner.

Learned counsel for the petitioner has submitted that on account of established rivalry in the village, the petitioner has been falsely implicated in this case. The defence plea, raised by learned counsel for the petitioner, cannot be appreciated at this stage. The said plea of defence can always be raised to seek acquittal.

Striking a balance between the right of the liberty of the petitioner and the statutory prohibition under Section 37 of the NDPS Act, I dispose of this petition with an observation that 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**

February 10, 2016

harsha