

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

(224)

CRM-M-43325-2015

Decided on: January 05, 2016.

Sunny

.... Petitioner

Versus

State of Punjab

..... Respondent

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

Present: Mr. Gursimran Singh Bhatia, Advocate, for the petitioner.

Ms. Harpreet Kaur Athwal, DAG, Punjab.

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

The petitioner and his co-accused Raman Kumar were found to be in possession of 70 grams of intoxicant powder each, which on chemical analysis was found to contain diphenoxylate hydro-chloride. The petitioner had been granted concession of interim bail on 30.07.2014 by the Special Judge under the NDPS Act as the report of chemical examiner had not been received. The report was received on 03.10.2015 as such on 03.10.2015 the bail granted to the petitioner was cancelled and he has been in custody after 03.10.2015.

Learned counsel for the petitioner has submitted that the petitioner has not misused his liberty, as such he may be granted concession of bail.

I have heard learned counsel for the petitioner.

No doubt, the petitioner had been granted interim bail on account of default of prosecution agency in getting the report of chemical examiner regarding the alleged intoxicant powder recovered from the petitioner, however, the quantity of the intoxicant powder being commercial quantity under law, the petitioner cannot be granted concession of bail in view of the provisions of Section 37 of the NDPS Act.

Striking a balance between the right of the prosecution and liberty of the petitioner, I deem it appropriate to dispose of this petition with a direction that the trial Court shall make earnest endeavour to conclude the trial within a period of six months. If for any reason, the trial is not concluded within a period of six months from the next date of hearing, the trial Court shall release the petitioner on bail on his furnishing bail bonds/surety bonds to its satisfaction.

(M.M.S. BEDI)
JUDGE

January 05, 2016
harsha