

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

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CRM-M-6947 of 2016

Date of decision: March 18, 2016

Vivek Nanda

..... Petitioner

Versus

State of Punjab

..... Respondent

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

Present: Ms. Satwant Mehta, Advocate
for the petitioner.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

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

Petitioner is alleged to have been found in possession of 250 grams of intoxicated powder which on analysis was found to be Diphenoxylate Hydrochloride. The quantity of any intoxicating powder containing aforesaid salt above 50 grams is a commercial quantity under Section 2(viia) of the NDPS Act and there is bar under Section 37 of the NDPS Act in granting bail.

Counsel for the petitioner has submitted that the petitioner can be granted the concession of bail as he has not misused his liberty while on interim bail from 05.10.2013 to 29.05.2015. She has also argued that the charge was framed on 29.05.2015 but no witness has been examined till date.

Since no witness has been examined during the last nine months, in the interest of justice, I dispose of this petition with a direction to the prosecution agency to make earnest endeavour to produce all the prosecution witnesses within a period of four months after the next date of hearing. In case all the witnesses are not examined and the trial is not concluded within four months from the next date of hearing fixed before the trial Court, it would be open to the petitioner to approach this Court again for grant of bail on expiry of said period.

March 18, 2016
Dinesh Bansal

**(M.M.S. BEDI)
JUDGE**