

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

**CRM-M No.7282 of 2016 (O&M)
Date of Decision: 04.03.2016**

Devi Lal

..... Petitioner

Vs.

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Gaurav Sharma, Advocate for the petitioner.

Mr. Mikhail Kad, Assistant Advocate General, Punjab
for the respondent/State assisted by ASI Rajwinder Singh.

JASWANT SINGH, J. (Oral)

Present petition is for grant of regular bail under Section 439 Cr.P.C. to the petitioner-Devi Lal in case FIR No.390 dated 17.12.2013 for the offences punishable under Sections 22, 61, 85 of the Narcotic Drugs and Psychotropic Substances Act (for short 'NDPS Act'), registered with Police Station City Sangrur.

There is a recovery of 42 bottles of Rexcof, containing 100 ML each. As per the FSL report, the seized contraband contains ' *Codeine Phosphate* ' and the quantity is commercial in nature.

The petitioner is stated to be in custody since 17.12.2013 and only 01 out of 13 prosecution witnesses has since been examined and, therefore, on the ground of delay, prayer is made for grant of regular bail to the petitioner.

Learned State Counsel, assisted by ASI Rajwinder Singh, concedes that only 01 witness out of 13 prosecution witnesses has been examined, however, in the light of the bar under Section 37 of the NDPS Act, prays for dismissal of the present petition.

Keeping in view the bar under Section 37 of the NDPS Act, no ground for entertaining the present bail petition is made out.

Accordingly, the present petition stands dismissed. However, it is ordered that the trial Court would take all steps to conclude the trial positively within three months from the next date of hearing.

Disposed of with the aforesaid directions.

March 04, 2016
Gagan

(JASWANT SINGH)
JUDGE