

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

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CRM-M-7392-2016

Date of Decision: May 26, 2016

BIKRAM SINGH @ BIKKAR

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

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

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

Ms. Simsi Dhir Malhotra, Deputy A.G., Punjab.

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

The petitioner was granted interim bail on 21.10.2014 awaiting the Forensic Science Laboratory report. On receipt of said report, the interim bail was cancelled on 19.11.2015.

Learned counsel for the petitioner submits that for having been found in possession of 100 grams of intoxicant powder on 09.08.2014, the petitioner has been in custody w.e.f. 19.11.2015 and that he never misused the liberty granted.

I have considered the facts and circumstances of the case. The petitioner was allegedly found in possession of commercial quantity of Diphenoxylate Hydrochloride. Merely because, the petitioner had been granted concession of interim bail, he cannot be granted regular bail on receipt of report of Forensic Science Laboratory. The bar of Section 37 of the NDPS Act will operate against the petitioner.

Taking into consideration the fact that since 19.11.2015, no witness has been examined, this petition is disposed of with a direction

that the trial Court shall make earnest endeavor to record the statements of all the prosecution witnesses within five months from the next date of hearing fixed before it. In case, the prosecution agency is not able to produce all the witnesses within the period of five months as aforesaid, trial Court shall release the petitioner on bail on his furnishing bail bonds/surety bonds to the satisfaction of the trial Court after expiry of five months from the next date of hearing.

(M.M.S. BEDI)
JUDGE

MAY 26, 2016
Rajneesh