

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

**Crl. Misc.No.M-8407 of 2016
Date of Decision:- 31.05.2016**

Amarjit Singh @ Bhola

....Petitioner

vs.

State of Punjab

....Respondent

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

Present:- Mr. Ramneek Vasudeva, Advocate,
for the petitioner.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

M.M.S. Bedi, J. (Oral)

Petitioner has been in custody w.e.f. 20.8.2015 for having been found in possession of 50 injections containing Buprenorphine Hydrochloride. 50 injections containing Pheniramine Maleate recovered from the petitioner appear to be not covered under the provisions of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

Learned counsel for the petitioner has made an attempt to satisfy this Court that in case the percentage of Buprenorphine Hydrochloride in liquid contained in the injections recovered is taken into consideration, the quantity will fall under non-commercial quantity.

I have heard learned counsel for the petitioner and am of the opinion that the said argument is not tenable in law.

Keeping in view the commercial quantity of the contraband

recovered from the petitioner, provisions of Section 37 of the NDPS Act create a bar in grant of bail. However, keeping in view the fact that only one witness having been examined out of 10 prosecution witnesses (two having been given up), it will be expedient, in the interest of justice, that trial should be concluded within a period of six months after the next date of hearing.

Without expression of any opinion on the merits of the case, this petition is disposed of with a direction that in case the prosecution agency is not able to produce the entire prosecution witnesses expeditiously and trial is not concluded within 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.

Nothing mentioned in this order will prejudice the right of the petitioner to seek any benefit in case any subsequent report favouring him is brought on the record.

May 31, 2016
poonam

(M.M.S. BEDI)
JUDGE