

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

CRM-M-21235 of 2017 (O&M)

Date of decision: 06.07.2017

Sunny

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. P.S. Bal, Advocate
for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in case FIR No.144 dated 15.05.2015, registered under Section 22 of The Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station City, Khanna.

It is contended that recovery of alleged contraband has been planted upon the petitioner. The petitioner was admitted to interim bail till the receipt of FSL report, however, he being a poor person could not furnish bail bonds and therefore, he remained in judicial custody. The FIR was registered on 15.05.2015, till date, no PW has been examined so far. The petitioner is in custody since 15.05.2015.

On the other hand, the learned State counsel opposes the bail application and states that the chief examination of one PW has been recorded out of total 08 PWs.

I have heard learned counsel for the parties and perused the record.

Allegedly 100 gms of intoxicating powder containing Diphenoxylate Hydrochloride was recovered from the petitioner which falls under commercial quantity. Keeping in view the quantity being commercial in nature and in view of the bar as provided under Section 37 of the NDPS Act, no case for grant of relief sought, is made out.

Dismissed.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

However, considering the fact that FIR was registered on 15.05.2015 and out of 08 PWs, only chief examination of one PW has been recorded so far, the trial Court is directed to conclude the trial expeditiously preferably within six months from the date of receipt of certified copy of the order.

06.07.2017

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No