

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-29342 of 2017

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Date of decision:23.10.2017

Parminder Singh alias Pinder

...Petitioner

v.

State of Punjab

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Ms. Prabhjeet Kaur, Advocate for Mr. Kushaldeep S. Sandhu,
Advocate for the petitioner.

Mr. Ayush Sarna, Assistant Advocate General, Punjab for the
respondent-State.

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Inderjit Singh, J.

The petitioner has filed this petition under Section 439 Cr.P.C.
for grant of regular bail in case FIR No.68 dated 29.6.2014 registered for
the offence under Section 22 of the Narcotic Drugs and Psychotropic
Substances Act, 1985 (hereinafter referred to as 'the NDPS Act') at Police
Station Hathur, District Ludhiana.

Notice of motion to Advocate General, Punjab.

Mr. Ayush Sarna, learned Assistant Advocate General, Punjab
has put in appearance on behalf of respondent-State and contested this
petition.

I have heard learned counsel for the petitioner and learned
Assistant Advocate General, Punjab appearing for the respondent-State and
have gone through the record.

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From the record I find that in the present case the recovery is 250 Gram intoxicant powder containing Alprazolam which falls in commercial quantity. It has also been stated that there are other FIRs under the NDPS Act and under IPC etc. registered against the petitioner. Section 37 of the NDPS Act bars for the grant of bail in case of commercial quantity.

Keeping in view the facts and circumstances of the present case and the fact that the recovery effected from the petitioner is commercial quantity, therefore, bar of Section 37 of the NDPS Act will apply in this case, hence, the petitioner is not entitled to the benefit of bail.

In view of the above discussion, I do not find any merit in this petition and the same is dismissed.

However, as the petitioner has been in custody since 29.6.2014, the trial Court is directed to dispose of the trial expeditiously preferably within four months from the next date of hearing by giving short adjournments and if required day to day adjournments. The Investigating Officer and S.H.O. of the concerned Police Station are directed to produce the witnesses before the trial Court on the next 2-3 dates. The Commissioner of Police, Ludhiana City is also directed to look into the matter personally so that the witnesses may be produced at the earliest as directed by this Court.

October 23, 2017.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No