

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

CRM-M-14748-2018

Date of decision: - 15.05.2018

Kuldeep Singh @ Goldy

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Karanjit Singh, Advocate
for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.1 dated 01.01.2015, registered under Section 22/61/85 of The Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') at Police Station Chohla Sahib, District Tarn Taran.

2. It is contended by learned counsel for the petitioner that the petitioner is in custody since 10.05.2016 and the alleged recovery is 200 grams of intoxicating powder. It is further contended that the charges were framed on 03.05.2016 and out of total thirteen prosecution witnesses, eleven witnesses have been examined till date.

3. The above factual position is duly acknowledged by learned State counsel on instructions from ASI Sheshpal Singh.

4. Heard learned counsel for the parties and perused the paper-book.

5. Precisely, the accusation against the petitioner is that on 01.01.2015, a police party headed by ASI Sukhdev Singh were going from CIA Staff Tarn Taran to Dhathian Mahanta Brahmpura in connection with patrolling. In the meantime, when they reached near Link Road Brahmpura, then an invisible number motorcycle came from the front side and on seeing the police party, when the driver tried to turn back his motorcycle, the motorcycle fell down and the driver after leaving the vehicle started walking briskly after throwing something wrapped in the polythene bag from the right pocket of pant worn by him. On the basis of suspicion, the petitioner was apprehended. After completing all the statutory formalities, polythene bag of the accused was searched by the Investigating Officer and during search, intoxicant powder was recovered from his possession. After following the due procedure, the samples were stated to have been separately sealed and taken into possession.

6. In view of the fact that commercial quantity of contraband was recovered from the possession of the petitioner, fully attracts the bar to grant bail, as contemplated under Section 37 of the NDPS Act, therefore, he is not entitled to the concession of regular bail. Hence, the present petition is hereby dismissed.

7. However, keeping in view the fact that the petitioner is in custody since 10.05.2016 and out of total thirteen prosecution witnesses,

eleven witnesses have been examined, learned trial Court is directed to expedite the trial and conclude the same within a period of three months from the date of receipt of certified copy of this order.

May 15, 2018
naresh.k

(MAHABIR SINGH SINDHU)
JUDGE

Whether reportable?	Yes
Whether reasoned/speaking?	Yes