

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

**CRM No.M-8343 of 2019
Date of Decision: May 21, 2019**

Malkiat Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Manish Kumar Singla, Advocate
for the petitioner.

Mr.Dhruv Dayal, Sr.DAG, Punjab
for the respondent-State.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.358 dated 06.11.2017 under Section 22 of the NDPS Act and Section 52-A of the Prisons Act, registered at Police Station City Sangrur.

Notice of motion was issued. Learned State counsel appeared and contested the petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

The perusal of the record shows that as per allegations in the FIR, present petitioner was Pesco Official and posted in the jail for the last one year. On the intervening night of 5/6.11.2017 at about 7.50 p.m.,

Warden Angrej Singh saw that present petitioner has thrown something in a black envelop over the wall. Thereafter, Warden Angrej Singh gave information to the night officer ASI Rajinder Singh, who then checked the spot and found black envelop in front of the store, which was containing 23 puris of *Zarda*, 15 bundles of *Biris* and 205 intoxicant tablets having Buprenorphine.

Keeping in view the facts and circumstances of the present case, recovery in the present case which falls under commercial quantity and in view of the provisions of Section 37 of the NDPS Act, which bars the grant of bail to the accused, in the case of commercial quantity, I find that no ground is made out to grant benefit of regular bail to the petitioner.

Therefore, finding no merit in the present petition, the same is dismissed.

However, as the petitioner is stated to have been in custody since 06.11.2017, therefore, learned trial Court is directed to expedite the trial by giving short adjournments and if required, even day to day adjournments. The Investigating Officer and SHO concerned are directed to produce the witnesses before the trial Court at the earliest preferably on next 2-3 dates. The Senior Superintendent of Police, Sangrur, is also directed to look into the matter personally that witnesses be produced before the Court.

May 21, 2019
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No