

**IN THE COURT OF Ms.SANJEETA,
JUDGE SPECIAL COURT,
BATHINDA (UID: PB-0177).**

CRN. No.PBBT01-007350-2020.
CIS No. BA-3045 of 2020.
Decided on:11.11.2020.

State Versus 1. Gurpreet Singh @ Gora son of Sh.Bachittar
Singh, resident of village Sekha Kalan, Distt.
Moga.
2. Jagmohan Singh son of Sh.Jarnail Singh,
resident of village Sekha Kalan, Distt. Moga,
now confined to Central Jail, Bathinda.
.....Applicant/accused.

FIR No.202 of 17.09.2020.
U/S 22(c), 25 of NDPS Act.
Police Station: Canal Colony (Bathinda).

Bail Application Under Section 439 Cr.P.C.

Present: Sh.H.S.Khara, Adv.counsel for applicants (through VC).
Sh.M.S.Sidhu, Addl. PP for the State.

ORDER

1. This order of mine shall dispose of first regular bail application moved on behalf of applicant/ accused under Section 439 Cr.P.C. in the above noted case.

2. Notice of the bail application was given to Addl. PP for the State, who has opposed bail application. Police record has been produced, which is perused and returned.

3. Ld.counsel for applicants has vehemently contended that the accused/ applicants have been falsely implicated in this case, though they have not committed any offence. Nothing incriminating has been

recovered from the applicants. Accused/ applicants were arrested on 17.9.2020 and since then, they are in jail. So, they have prayed for the acceptance of bail application.

4. On the other hand, learned Addl.PP for the State has opposed this bail application alleging that the recovery effected from the accused/ applicants fall within the ambit of commercial quantity as the report of FSL has been received. The applicants do not deserve the concession of bail.

5. I have considered the arguments of learned counsel for the applicant/ accused as well as learned Addl.PP for the State and have gone through the record of this case.

6. Perusal of the file reveals that on 17.9.2020, HC Baljinder Singh along with police party was present at Dabwali-Badal Road, T Point, where a truck bearing No.PB-04V-8551 came there. On seeing the police party, the truck was stopped by the driver 20 Karams behind. Then HC Baljinder Singh called SI Madan Gopal. The accused were apprehended. They disclosed their names as Gurpreet Singh @ Gora son of Bachittar Singh, r/o Sekha Kalan, District Moga and Jagmohan Singh son of Jarnail Singh, r/o Sekha Kalan, District Moga. From the tool box of the truck, a polythene containing 325 strips of Trio-SR tablets containing 10 tablets each i.e. 3250 tablets were recovered.

7. The report of RTFSL has been received, which reveals that salt Tramadol Hydrochloride was detected in the sample parcel of Trio-SR with average weight of 407.11 mg/tablet. Thus, the total weight of

3250 tablets come to $3250 \times 407.11 = 1323.107$ gm (salt Tramadol Hydrochloride). Thus, the recovery effected from the accused falls within the ambit of commercial in nature.

8. According to Section 37 of NDPS Act, 1985, no person or accused of an offence punishable for offences involving commercial quantity, shall be released on bail, unless the court is satisfied that there are reasonable ground for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.

9. In the present case also, there are no reasonable grounds for believing that accused/ applicants are not guilty of such offence attributed to them and they are not likely to commit any offence, while on bail. Consequently, in view of Section 37 of NDPS Act, 1985, the bail application moved by applicants/accused is hereby dismissed. Record of the present bail application be tagged with the connected papers.

Pronounced in the Open Court:
Dt. 11.11.2020.

(Sanjeeta),
Judge Special Court,
Bathinda (UID:PB0177).

Kulwinder Singh,
Stenographer-II.

CRN. No.PBBT01-007350-2020.
CIS No. BA-3045 of 2020.

State Vs. Gurpreet Singh and another

Present: Sh.H.S.Khara, Adv.counsel for applicants (through VC).
Sh.M.S.Sidhu, Addl. PP for the State.

Arguments heard on the bail application. Vide my separate
and detailed order of even date, the bail application has been dismissed.
Record of the present bail application be tagged with the connected
papers.

Pronounced in the Open Court:
Dt.11.11.2020.

(Sanjeeta),
Judge Special Court,
Bathinda (UID:PB0177).

Kulwinder Singh,
Stenographer-II.