

BA 3008-20 'State Versus Puran Singh'
FIR No.188 dated 8.10.2020 of P.S.Sarai Amanat Khan.
Under Sec.21-C of NDPS Act, 1985.

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Present: Shri H.K.Handa, Advocate for the accused-applicant.  
APP for the State.

By means of his application under Section 439 Cr.P.C. the accused-applicant Puran Singh has come up with a prayer for his release on regular bail in respect of the above captioned case.

Upon notice of bail application, records of the case have been produced before me which I have perused carefully and have also heard the learned counsel for the accused-applicant.

As argued by the learned counsel for accused, the accused is suffering from ailments and was got admitted in Guru Nanak Dev Hospital, Amritsar, by the Jail authorities on 28.11.2020 and still needs constant medical care which according to him is not available in Jail Hospital. He has also argued that a separate application for interim bail on medical ground has also been filed in view of the directions issued by the High Powered Committee. On the other hand, the learned APP for the State has argued that huge quantity of heroin weighing 1 Kg. has been recovered from the accused-applicant and the offence being serious in nature, the accused is not entitled to the concession of bail.

I have carefully heard and well considered the rival submissions made before me.

As per the investigating agency, the allegations against the accused are with regard to possession of 1 Kg of Heroin being carried by him in a packet which he threw on seeing the police party but before fleeing away, happened to be identified by one of the members of the police party. The recovery of Heroin as effected in this case, falls within the meaning of 'Commercial Quantity' as a result of which the rigors of Sec.37 of the Act do get attracted in the case. Further, as regards directions of the High Powered Committee are concerned, the suspects of certain specific category of offences were directed to be released on interim bail with clear stipulation that no suspect involved in a case of 'Commercial quantity' of contraband is to be released as such.

Thus, I am of the considered view that the accused does not deserve the concession of bail and his application for regular bail stands dismissed. For the same reasons, the application for interim bail on medical grounds is also hereby dismissed. A copy of this order be placed on the file of interim bail application No.IA/1/2020 in BA No.3008/2020 and the files thereafter be consigned to the Record Room.

Pronounced:  
31.12.2020.

(Charanjeet Arora)  
Addl.Sessions Judge (D)/Tarn Taran.  
(UID No.PB0178)