

**In the Court of Mr. Bishan Saroop, PB0449
Addl. Sessions Judge, Tarn Taran**

CNR no.PBTT01005728/2020
BA No. 814 dated 21.12.2020
Case Regd. No. BA/3020/2020.
Date of Decision :04.01.2021

Mukhtiar Singh @ Bhola aged about 45 years son of Milkha Singh
resident of village Thatha District Tarn Taran.

-----Applicant.

VERSUS

State of Punjab

FIR No. 193 dated 19.07.2018 under Sections
22/61/85 NDPS Act, registered at P.S. Sadar,
Tarn Taran, District Tarn Taran

Second Bail application U/s 439 of Cr.P.C.

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Present - Mr. APS Saggu, Adv. counsel for the applicant-accused.
Mr.Charanjit Singh, Addl. Public Prosecutor for the State.

B A I L O R D E R

Vide this order, I shall dispose of the instant application for bail filed by the above referred applicant-accused under Section 439 of Cr.P.C. in case bearing FIR No. 193 dated 19.07.2018 under Sections 22/61/85 NDPS Act, registered at P.S. Sadar, Tarn Taran, District Tarn Taran.

2) In pursuance of the notice of the application having been issued, learned Addl. Public Prosecutor Mr.Charanjit Singh, has put in appearance for the State and record has also been produced.

3) Tersely put, case of prosecution is that on 19.07.2018 at about 05.30 PM in the area of village Gulalipur of PS Sadar, Tarn Taran accused Mukhtiar Singh was found in conscious possession of 980

intoxicant loose tablets containing Salt Tramadol Hydrochloride without any license or permit by the police party headed by ASI Kewal Singh, and other police officials were going on officials vehicle in connection with patrolling and search of bad elements in the area of village Manochahal, Sahbajpur and village Gulalipur circular road. On receipt of report from Chemical Examiner and after the completion of all other necessary formalities of the investigation, the accused was challaned for having committed an offence punishable under Sections 22/61/85 of the Act.

4) Mr. APS Saggu, Adv. appearing on behalf of applicant-accused has vehemently argued that the applicant-accused is innocent and has been falsely implicated in this case. The applicant-accused is in custody since the date of his arrest. The alleged recovery has already been effected and now, nothing is to be recovered from the applicant. Section 37 is not attracted in the present case. No useful purpose would not served to detain the applicant behind the bars. The application for regular bail be allowed.

4) On the other hand, Mr.Charanjit Singh Addl. Public Prosecutor for the State has hotly opposed the contention and has argued that the applicant-accused was found in conscious possession of 980 intoxicant loose tablets and as per the report of chemical examiner, the recovered contraband was containing ingredient i.e. Tramadol Hydrochloride. Thus, it is a case qua the recovery of commercial quantity and Section 37 of Narcotic Drugs and Psychotropic Substances Act, 1985 bars the release of applicant, as such, the present application for regular bail be dismissed.

5) I have heard Mr. APS Saggu, Adv. counsel for the applicant-accused as well as Mr. Charanjit Singh, Addl. Public Prosecutor for the State and have also perused the record.

6) After giving my thoughtful consideration to the rival submissions and on careful perusal of the averments put up in the application, coupled with due assistance rendered, the Court does not find any merit in the submissions put forth by the learned counsel for the applicant-accused. It is pertinent to mention that 980 intoxicant loose tablets had been recovered and Tramadol Hydrochloride, which falls in the category of '*commercial quantity*' and on this account, rigors of section 37 of NDPS Act is attracted to the present case. At this stage, there is nothing coming on the record to infer that there are reasonable grounds for believing that the applicant is not guilty of such offence and that he is not likely to commit any such offence, while, on bail. Considering the serious nature of the offence, no case is made out for grant of bail to the applicant. Moreover, the earlier bail application which is dismissed by this court vide order dated 14.02.2019 and the present bail application is the second bail application of the same ground and circumstances which is not maintainable and liable to be dismissed. Consequently, the instant bail application is hereby dismissed. Bail papers be annexed with the main trial file.

Pronounced in the open Court:
04.01.2021

Aman Dhiman Stenographer Gr.III

(Bishan Saroop)
(UID No. PB-0449)
Addl. Sessions Judge,
Tarn Taran.

BA/3020/2020**Mukhtiar Singh Vs State of Punjab**

Present - Mr. APS Saggu, Adv. counsel for the applicant-accused.
Mr.Charanjit Singh, Addl. Public Prosecutor for the State.

Record has been produced. Arguments heard and vide my separate detailed order of even date, the present bail application is dismissed, as detailed therein. Police record be returned and bail application be consigned to the record room.

Pronounced in the open Court:
04.01.2021

Aman Dhiman Stenographer Gr.III

(Bishan Saroop)
(UID No. PB-0449)
Addl. Sessions Judge,
Tarn Taran.