

In the Court of Sh.Jaspal Verma,
Judge Special Court, Kapurthala (UID No.PB0136)

CNR No. PBKP010046012021



Case No. BA/1860/2021

Presented on : 13-09-2021

Registered on : 13-09-2021

Decided on : 25-10-2021

FIR No.53 dated 16.08.2021
Under Section 22/61/85 of NDPS Act
& 25/54/59 of Arms Act.
Police Station Rawalpindi, Phagwara, District Kapurthala.

Amandeep Singh son of Bua Singh, resident of village Dogranwal,
Tehsil and District Kapurthala.

.....Accused/applicant.

Versus

State of Punjab.

.....Respondent.

Bail application under Section 439 CrPC.

Present: Sh. Suresh Chopra, Advocate, for applicant/accused.
Sh. J.S. Marok, Addl. PP for the State.

ORDER

1) This order of mine shall dispose of regular bail application moved by the applicant/accused ***Amandeep Singh*** in this case bearing FIR No.53 dated 16.08.2021, under Section 22/61/85 of NDPS Act & 25/54/59 of Arms Act, Police Station Rawalpindi, Phagwara, District Kapurthala, wherein it is submitted that the police of P.S. Rawalpindi, Phagwara has registered a false case against the applicant-accused although he has nothing to do with the commission of alleged crime. As per FIR, the recovery of 13

unnamed injections and two desi pistol shown to be recovered from the applicant-accused is not for commercial purpose and falls under non commercial quantity and the same was not affected from the applicant-accused. The applicant-accused is in judicial custody since 16.08.2021. The applicant is innocent and has not committed any offence. Nothing is to be recovered from the possession of the applicant-accused. The mandatory provisions of Section 50 of NDPS Act have not been complied in the present case. The prosecution will take a long time to conclude the evidence. There is no direct or indirect evidence against the applicant-accused to connect him with the commission of alleged crime. There is no apprehension of absconding of applicant or tampering with the prosecution evidence. The applicant/accused is ready to furnish bail/surety bonds to the satisfaction of this court. Presentation of challan and its disposal is likely to take considerable time. So, he be released on regular bail.

2) Notice of the bail application was given to the State. No reply to the bail application was filed. However, learned Addl. PP for the State contested the bail application.

3) I have heard learned counsel for the applicant/accused, learned Addl. PP for the State and perused the police file brought by ASI Nirmal Kumar from P.S. Rawalpindi, Phagwara.

4) As per the story of prosecution on 06.09.2021, ASI Paramjit Singh alongwith his police party apprehended accused Gurpal Singh and Amandeep Singh while coming in a car in the area of GNA University, Bhogpur Gate and from the black bag thrown by

accused Gurpal Singh, 12 intoxicant injections without label wrapped in a polythene bag were recovered. Further, from the polythene bag thrown by accused Amandeep Singh, 13 intoxicant injections without label were recovered. Moreover, from the search of the driver of the car, one pistol 32 bore alongwith one live cartridge and one magazine alongwith 02 live cartridges were recovered.

5) As per FIR, the accused Gurpal Singh was found in possession of 13 intoxicant injections. The accused/applicant could not show any licence or permit for keeping the same in his possession. Report of Forensic Science Laboratory, SAS Nagar, Mohali has been received in the present case. As per the Forensic Science Laboratory report, Buprenorphine Hydrochloride was detected in the sample parcel of intoxicant injection and the abovesaid recovery of contraband i.e. 26 grams of Buprenorphine Hydrochloride effected in this case, which is more than 20 grams is commercial in nature. The grant of bail to such an accused who is found in possession of commercial quantity of narcotic substance is specifically barred under Section 37 of NDPS Act. So, in my view, no ground is made out to release the applicant-accused ***Amandeep Singh*** on bail in this case. Accordingly, the present bail application stands dismissed. Police record be returned. Bail application be attached with the remand papers/main file.

Pronounced in open Court
Dt.25.10.2021
(Arun)

(Jaspal Verma),
Judge Special Court,
Kapurthala (UID No.PB0136)

Gurpal Singh @ Pallu State

CNR No.PBKP010046012021
Bail application No.1860 of 13.09.2021

Present: Sh. Suresh Chopra, Advocate, for applicant/accused.
Sh. J.S. Marok, Addl. PP for the State.

Police record perused. Arguments heard. Vide my separate detailed order of even date, the present bail application filed by applicant-accused Amandeep Singh has been dismissed. Bail application be attached with the remand papers/main file.

Pronounced in open Court
Dt.25.10.2021
(Arun)

(Jaspal Verma),
Judge Special Court,
Kapurthala (UID No.PB0136)