

PBBT010088052023



Presented on : 08-08-2023
Registered on : 08-08-2023
Decided on : 14-08-2023
Duration : 0 years, 0 months, 6 days

**IN THE COURT OF DR RAM KUMAR SINGLA,
UID NO. PB-0122
JUDGE, SPECIAL COURT,
BATHINDA.**

CIS No. BA-2735-2023

Date of Order : 14.08.2023

State

Versus

Hardeep Singh son of Nachattar
Singh resident of near
Dharamshala, Patti Veer Singh,
village Dayalpura Mirza, Tehsil
Phul, Distt. Bathinda.

.... Applicant/Accused.

FIR No.83 of 1.6.2022

U/s 15(b), 22(c), 29 NDPS Act,

P.S. Nathana, Distt. Bathinda.

Bail Application U/s 439 Cr.P.C.

Present: Sh. MS Sidhu, Adv., for applicant/ accused.

Ld. Addl. Public Prosecutor for the State.

ORDER :

1. Record perused. **Arguments have been heard** on the present regular bail application U/s 439 Cr.P.C. of above referred applicant/accused in aforesaid FIR, who is in custody

BA-2735-2023

since 1.6.2022.

2. Briefly, the prosecution allegations are that on 1.6.2022, at about 4.30 pm, in the area of Bhucho Mandi, a police party apprehended accused Sanjiv Kumar @ Soni and Jasvir Kaur. From the possession of accused Jasvir Kaur, 25 kgs of Poppy Husk was recovered, whereas from the possession of accused Sanjiv Kumar @ Soni, 3500 tablets of Clobedol-100 SR were recovered. During interrogation, said accused Sanjiv Kumar @ Soni disclosed that he brought the said tablets and poppy husk from Hardeep Singh @ Deepa (applicant/accused). On that, the applicant/accused was apprehended on the same day, from whose possession, 700 tablets of Clovidol-100 SR were recovered. Now, the applicant/accused is in custody since 01.06.2022, has sought his regular bail vide present bail application.

3. Learned counsel contended that the applicant has falsely been implicated in this case. The applicant/accused has no concerned with the co-accused. No recovery was effected from the applicant/accused as alleged. Challan has already been presented and conclusion of trial will take considerable time. The applicant/accused is lingering on, behind the bars since 01.06.2022. He could not be detained for indefinite period. Therefore, the present applicant is entitled to the concession of regular bail.

4. On the other hand, the learned Addl. PP for the State

has replied that though the applicant/accused is in custody since 1.6.2022, but, there are serious allegations against the applicant/accused and co-accused in the present case as commercial quantity of contraband has been recovered from their possession. Therefore, the present applicant/accused is not entitled to the concession of regular bail.

5. To the aforesaid arguments and to the entire episode of crime, as referred above, admittedly, the applicant/accused is in custody in this case since 1.6.2022, but, mere long custody of applicant cannot be considered as ground to enlarge him on bail. As per report of FSL, the recovered tablets as stated above, contains salt Tramadol Hydrochloride i.e. $700 \times 362.24 \text{ mg}/1000 = 253.56 \text{ grams approx.}$ (i.e. recovery effected from applicant Hardeep Singh @ Deepa) and $3500 \times 415.91/1000 = 1455.68 \text{ grams approx.}$ (i.e. recovery effected from accused Sanjiv Kumar @ Soni), which falls within the purview of commercial quantity of contraband, though recovery effected from co-accused Jasvir Kaur i.e. 25 kgs of Poppy husk falls within the purview of non commercial quantity. To the said set of circumstances/allegations, it is specific on record that commercial quantity of contraband was individually recovered from applicant/accused, so no regular bail or even interim bail could be granted to the applicant in view of rigors of section 37 (ii) of the NDPS Act.

6. Consequently, in view of the aforesaid facts and circumstances on record, the present regular bail application of the applicant/accused is hereby declined and disposed off accordingly. However, any observation made herein shall not be construed to be an expression of view of this court, on merits of the case.

7. Papers be appended with the main trial, pending in this Court for 12.09.2023.

Pronounced in open Court.
Dated: 14.08.2023.
Ranbeer

(Dr Ram Kumar Singla)
Judge, Special Court,
Bathinda. (UID No. PB-0122)