

In the Court of Sh.Rakesh Kumar Sharma
Addl. Sessions Judge, Tarn Taran.
(UID No.PB0133)

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**CIS No. BA 2736-2023**  
**Decided on: 26.10.2023**

Gurbaz Singh son of Massa Singh, resident of village Suhava, Tehsil and District Tarn Taran.

..... Applicant

Versus

State of Punjab

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| <b>FIR No. 77 dated 10.05.2023</b><br><b>Under section: 21(C)/29/61/85 of NDPS Act.</b><br><b>Police Station: Sarhali</b> |
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Present: -Sh. J.S. Kot, advocate, counsel for the accused/applicant  
Sh. Ashok Kumar, APP for the State

**ORDER**

This order of mine shall dispose of regular bail application filed on behalf of the applicant Gurbaz Singh on the grounds that the present applicant is innocent and has been falsely implicated in the present case. He is in judicial custody since 10.05.2023 and no more required for further investigation. Nothing has been recovered from the possession of the present applicant. No other case is pending against him. In the application nothing is mentioned how he is entitled to seek concession of bail when the heroin so recovered is commercial quantity.

2. Brief facts of the present case are that present FIR has been registered at the instance of investigating officer who sent ruqa regarding the arrest of the present applicant as he was arrested by chance. It is a chance recovery as on seeing the police party in the uniform he tried to escape and thrown the polythene envelope/carrying bag on the side of the road. Present applicant was arrested and on checking the polythene

envelope/carrying bag 270 grams heroin was recovered which is commercial quantity.

3. Learned counsel for the applicant has contended that present applicant is in judicial custody 10.05.2023. Conclusion of trial is likely to take some time. No useful purpose will be served by further detention of the present applicant. As such, he be released on regular bail.

4. On the other hand, learned APP for the State has strongly opposed the regular bail application on the grounds that it is a case of conscious possession of 270 grams heroin which is commercial quantity. It is further contended that there is bar under section 37 of NDPS Act in commercial quantity for grant of regular bail. As such, regular bail application of the present applicant may kindly be dismissed.

5. After having heard learned counsel for the accused/applicant and learned APP for the State, this court is of the opinion that it is a case of conscious possession of 270 grams heroin which is commercial quantity. Further more, there is bar under section 37 of NDPS Act in commercial quantity for grant of regular bail. There is no explanation for keeping commercial conscious possession of heroin with the accused. As such, I find no merit in the present regular bail application and the same stands dismissed. File is ordered to be attached with the main trial/remand papers.

**Pronounced**  
**26.10.2023**

Rajinder Kumar JW

**(Rakesh Kumar Sharma)**  
**Addl. Sessions Judge Tarn Taran.**  
**(UID No.PB0133)**