

IN THE COURT OF POOJA ANDOTRA,
JUDGE SPECIAL COURT, TARN TARAN.
(UID Number PB0218)

PBTT010060822024



Presented on : 30-11-2024
Registered on : 02-12-2024
Decided on : 13-12-2024

Case Type	BA
Filing Number	5140/2024 Filing Date:30.11.2024
Registration Number	2995/2024 Date of Registration: 02.12.2024
CNR Number	PBTT0100-6082-2024
Date of Decision	13.12.2024

Dilbagh Singh, aged 42 years, son of Angrej Singh, resident of village Sabhrah, Tehsil Patti, District Tarn Taran.

---Applicant/accused

Versus

State of Punjab

---Respondent

FIR No.168 dated 26.10.2023
Under Section 15 (c) NDPS Act
Police Station, Sadar Patti

BAIL APPLICATION FOR INTERIM BAIL

Present: Shri Rajinder Lumba, counsel for applicant/accused.
Shri Harmanjot Singh, Additional Public Prosecutor for the State

ORDER

The above named accused has filed this bail application for the grant of interim bail in the afore referred F.I.R.

2. Notice of the bail application was given to the State. Learned Additional Public Prosecutor for the State has opposed the bail

application. Police record has been requisitioned. Ahlmad has reported that this is the second bail application. First bail application was dismissed vide order dated 12.02.2024. Apart from that, no other bail application has been filed or decided by any Court qua this accused in this FIR. Investigating Officer has stated that accused has not been declared as proclaimed offender in this case.

3. It is argued by the learned counsel for the applicant/accused that he has been falsely implicated in this case. Applicant/accused is in custody since 26.10.2023 and is not required for further investigation. Bail application of the accused/applicant was dismissed by the Hon'ble Punjab and Haryana High Court, Chandigarh vide order dated 27.09.2024 in CRM-M-No.20388 of 2024. Applicant is suffering from Spinal Pain since long, but in custody since 26.10.2023. Due to his severe pain, he is totally unable to walk and sleep properly and applicant was also taken to Civil Hospital, Tarn Taran on 05.11.2024 as prisoner where after his checkup, the concerned doctor of above said hospital also advised for MRI and L.S. Spine. Applicant having three children and old aged parents in the family. Proper care and necessary treatment of the applicant is required to get the relief for such pain from the competent/specialist doctor. The present application for grant of interim bail has been filed on medical ground. Prayer has been made for granting concession of interim bail.

4. On the other hand, learned Additional Public Prosecutor for the State opposed the bail application and prayed for its dismissal on the ground that applicant/accused was found in conscious possession of commercial quantity of 80 kilogram of poppy husk, so he does not

deserve the benefit of interim bail as provisions of Section 37 of NDPS Act also curtail the power of this Court to grant bail to the applicant/accused.

5. I have considered the contentions raised by both the sides.

6. As per allegations of prosecution, on 26.10.2023 recovery of commercial quantity of 80 Kilograms of poppy husk, was made from the conscious possession of the applicant/accused. First bail application was dismissed on merit by the predecessor of this Court vide order dated 12.02.2024. Bail application of the accused was also dismissed by the Hon'ble Punjab and Haryana High Court, Chandigarh vide order dated 27.09.2024 in CRM-M-No.20388 of 2024. Apart from that, provisions of Section 37 of NDPS Act curtail the power of this Court to grant bail to the applicant/accused. Moreover, applicant/accused is being provided with the medical aid clearly and as per the averments in the application. Thus, no ground is made out to release the applicant/accused on bail when allegations of such a huge recovery have been made against the accused. Resultantly, present bail application, being devoid of any merit, is hereby **dismissed**. However, it is made clear that observation made herein above shall not be construed as an expression on the merits of the main case. Papers be tagged with the main file.

Announced: 13.12.2024

**Pooja Andotra,
Judge Special Court,
Tarn Taran.
UID Number PB0218**

Lovepreet Stenographer Grade-II