

**IN THE COURT OF PARMINDER SINGH RAI,
JUDGE, SPECIAL COURT, GURDASPUR**

CIS No.BA/2959/2022
CNR No: PBGD01-006741-2022
Date of Decision: 08/09/2022

Sarwan Singh s/o Shingara Singh, r/o Village Mari Pannwan, Tehsil
Batala, District Gurdaspur.

.....Petitioner

Vs.

State of Punjab

.....Respondent

FIR No.199 Dated 10/10/2020
U/Ss 21 & 29 of NDPS Act
Police Station:- Sadar, Batala.

Application for bail under Section 439 Cr.P.C.

Present: Sh. Rahul Puri, Advocate, counsel for petitioner.
Sh. Kiran Kumar, Addl. P. P. for State.

ORDER

1. Present petition has been filed by petitioner seeking regular bail under Section 439 of Cr.P.C. for the alleged commission of offences as mentioned above.
2. Upon notice learned Additional P.P put in appearance on behalf of respondent-State and contested the bail application.
3. It is submitted by learned counsel for the petitioner that petitioner is innocent and he has been falsely implicated in the present case. Petitioner is in custody since 10.10.2020. Conclusion of trial shall take sufficient long time and no purpose would be served

by keeping the petitioner behind the bars for indefinite period, so, he may be admitted to regular bail.

4. On the other hand, learned Additional Public Prosecutor submitted that as per report of Forensic Science Laboratory, the contraband recovered in this case was Heroin and the quantity of contraband falls in the category of commercial quantity. In view of the bar contained in Section 37 of the NDPS Act, the petitioner is not entitled to regular bail, as such, the present bail application is liable to be dismissed.

5. I have heard rival contentions of learned counsel for petitioners as well as of learned Additional Public Prosecutor for State and have perused the record.

6. As per the case of the prosecution on 10.10.2020, at about 2:20 p.m, in the area of Adda Village Ghasitpur, 255 gram heroin was recovered from accused applicant Sarwan Singh whereas 1 gram heroin was recovered from non applicant Joginder Singh @ Jagga.

7. The allegations against the applicant are quite serious. Challan has already been presented. As per report of FSL, the contraband recovered in this FIR falls in the category of commercial quantity. Keeping in view the nature of allegations levelled in the FIR, the bar contained in Section 37 of NDPS Act, this Court is of the considered opinion that the petitioner is not entitled to the concession of regular bail at this stage, as such, the present bail

application is hereby dismissed. Record of present bail application be attached with main file.

Pronounced
Dated: 08/09/2022.
Gurpreet Singh, Stenographer-II

(Parminder Singh Rai)
Judge, Special Court,
Gurdaspur.

Present: Sh. Rahul Puri, Advocate, counsel for petitioner.
Sh. Kiran Kumar, Addl. P. P. for State.

Judicial record received. Sh. Kiran Kumar, Ld. Addl. P.P
put in appearance on behalf of State. Arguments heard. Vide my
separate detailed order of even date, bail application has been
dismissed. Record of present bail application be attached with main
file.

Pronounced
Dated: 08/09/2022.
Gurpreet Singh, Stenographer-II

(Parminder Singh Rai)
Judge, Special Court,
Gurdaspur.