

**IN THE COURT OF MANDIP SINGH DHILLON,
JUDGE, SPECIAL COURT, MANSA**

Case Type : BA (Bail Application)
CIS Case No. : BA/296/2023
CNR No. : PBMN010007242023
Date of registration : 09.02.2023
Date of Decision : 15.02.2023

State

Versus

Major Singh aged about 66 years, son of Gurdial Singh, resident of Nihala Patti, Jaithuke, District Bathinda, now confined at District Jail, Mansa.

... Applicant/ accused.

FIR No.94 dated 05.08.2022
U/s 22 of NDPS Act,
P.S. Boha, District Mansa.

**(APPLICATION FOR BAIL UNDER
SECTION 439 CR.PC)**

Present: Shri N.K. Goyal, Advocate, for the
applicant/accused.
Shri Sukhraj Singla, Ld. Addl. PP for the State.

ORDER

1. Accused/ applicant Major Singh has filed the present bail application under section 439 Cr.PC in case FIR No.94 dated 05.08.2022, U/s 22 of NDPS Act, P.S. Boha, District Mansa.

2. Accusation leading to the registration of the FIR above said, are that on 05.08.2022, SI Harbhajan Singh received information from ASI Gurmeet Singh that he alongwith police party was going in connection with the patrolling. When they were about two kilometer ahead of village Gandu Kalan, they had apprehended two persons on the suspicion that they might be carrying some narcotic substance. On receiving the information, ASI Gurmeet Singh alongwith police party reached at the spot and enquired from the apprehended persons who disclosed their names as Major Singh son of Gurdial Singh, resident of Nihala Patti, Jaithuke, District Bathinda and Harchet Singh @ Chaiti son of Kirpal Singh, resident of Jaithuke, District Bathinda. Recovery of 1020 tablets of Alprasafe 0.5 having Batch No. PCCAA878 was effected from the possession of accused Major Singh and recovery of 900 tablets of Alprasafe 0.5 having Batch No. PCCAA876 was effected from his possession of accused Harchet Singh. They were arrested in the present case.

3. It has been argued by learned defence counsel for the on behalf of the accused/ applicant that he is innocent and has been falsely implicated in the present case. He is in custody since 05.08.2022. On these averments besides usual grounds, the accused/applicant was asked to be released on bail.

4. The application has been opposed by the learned Addl. PP for the State.

5. I have heard the arguments of learned counsel for the applicant/accused, learned Addl. PP for the State and have gone through the police record with their able assistance.

6. As per the allegations of the prosecution, on 05.08.2022, the accused/ applicant Major Singh was found in possession of 1020 tablets of Alprasafe 0.5 having Batch No. PCCAA878 and co-accused was found in possession of 900 tablets of Alprasafe 0.5 having Batch No. PCCAA876. Report of Chemical Examiner has been received. By going through the Report of Chemical Examiner, it reveals that one parcel containing 10 tablets of Alprasafe 0.5 having Batch No. PCCAA878 on being analyzed by the Chemical Analyst, the ingredients of that parcel were found containing Alprazolam. The weight of each tablet was 126.12 mg and thus, the total weight of 1020 tablets comes to $1020 \times 126.12 \text{ mg} / 1000 = 128.64 \text{ gms}$ approximately of intoxicant substance containing Alprazolam.

The salt "Alprazolam" is mentioned at serial No.178 of the table in NDPS Act. The contraband recovered from the accused falls under commercial quantity as per provision of the NDPS Act. Challan has been presented in the Court and is pending for evidence of prosecution. The allegations against the applicant/accused are very serious in nature which needs no leniency at this stage. Making it clear that drug peddlers have successfully destroyed the social fabric of our society and led

youth on the wrongful path. Such type of persons are required to be dealt with firmly and sternly. Sympathy could not be shown to them lest it proved to be counterproductive and resulted in an increase in drug trafficking. With deep concern, it is pointed out that the organized activities of the underworld led to drug addiction among a sizeable section of the public, particularly the adolescents and students of both sexes and the menace has assumed serious and alarming proportions in the recent years. Therefore, in order to effectively control and eradicate this proliferating and booming devastating menace, causing deleterious effects and deadly impact on the society as a whole. This court finds no justification to grant interim/regular bail to the applicant/ accused. Hence, without commenting upon the merits of the case, the bail application under reference filed by the applicant/ accused Major Singh is dismissed. Police record be returned and the papers of this bail application be tagged with main file.

Pronounced

Dated: 15.02.2023

**(Mandip Singh Dhillon),
Judge, Special Court, Mansa.
(UID: PB0115)**

**Avinash
Stenographer G-I**

Present: Shri N.K. Goyal, Advocate, for the
applicant/accused.
Shri Sukhraj Singla, Ld. Addl. PP for the State.

Arguments heard. Vide my separate detailed order of
even date, the bail application moved by the accused/ applicant
for bail has been dismissed. Police record be returned and the
papers of this bail application be tagged with main file.

Pronounced

Dated: 15.02.2023

**(Mandip Singh Dhillon),
Judge, Special Court, Mansa.
(UID: PB0115)**

Avinash
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