

**In the court of Kewal Krishan,
Judge, Special Court, Ferozepur (UID No.PB-0182).**

Case Type	Bail Application.
CIS No.	BA/2953/2022.
CNR No.	PBFZ010070732022.
Date of order	19.10.2022.

S t a t e

Vs

Baljinder Singh aged 50 years son of Dhanna Singh, resident of Thathi Khara, Tarn Taran.

.....Accused/Applicant.

FIR No.79 dated 18.05.2022 Under Sections 15 of the NDPS Act. Police Station: Mallanwala.
--

First application under Section 439 Cr.P.C. for bail.
--

Present: Sh. G.S. Gill Advocate Ld. counsel for the applicant.
Sh. A.P.S. Brar Addl. Public Prosecutor for the State with
ASI Darshan Singh.

ORDER

The accused/applicant has filed the instant application under Section 439 of the Code of Criminal Procedure seeking regular bail. ASI Darshan Singh has produced the record of investigation.

2. Arguments are heard. Learned counsel for the accused has argued that accused-applicant is innocent and has been falsely implicated in the present case. The alleged recovery has already been effected. The applicant is in custody since 18.05.2022. Completion of investigation, presentation of challan and conclusion of trial will take long time. No useful purpose would be served by detaining him any more in custody. The applicant undertakes to abide by the conditions, if imposed by this Court and he may kindly be granted concession of regular bail.

3. On the other hand, learned Addl. Public Prosecutor for the State has hotly contested the application and has submitted that in this case the recovery falls under the commercial quantity, so the applicant is not entitled to get concession of bail. His bail application deserves dismissal.

4. This Court has heard the learned counsel for the accused/applicant, learned Addl. Public Prosecutor for the State and perused the record. As per prosecution version, this FIR was registered against the accused/applicant on the basis of secret information received by the police party to the effect that he used to sell poppy husk in his truck and on that day also, he was bringing poppy husk in truck bearing registration No.PB-02 DF 4786 from Rajasthan for sale in the area of Mallan Wala. In pursuance of the secret information, naka was laid. The accused/applicant

was noticed coming on truck bearing registration No.PB-02 DF 4786. He was apprehended by the police party. On search of the truck, 80 Kg. poppy pods were recovered. Thereafter, Major Singh son of Dalip Singh was nominated as accused vide DDR No.25 dated 20.05.2022.

5. Report of FSL has been received and as per this report, the contents of sample parcels sent for chemical analysis contained Meconic Acid, Morphine & other Alkaloids of opium.

6. As the recovery of 80 Kg. poppy pods made in this case falls under the category of commercial quantity, the stringent provisions of Section 37 of the said Act are attracted in this case. Therefore, the bail application of the applicant/accused deserves dismissal and the same is dismissed. Record of investigation be returned. File be attached with the remand papers.

Announced in open court.

Dated : 19.10.2022.

anil kumar

Stenographer Grade-II

sd/-

(Kewal Krishan)

Judge, Special Court, Ferozepur

(UID No. PB0182)