

**In the court of Shri Jagdeep Singh Marok,
Judge Special Court-1, Ludhiana.**
(Unique Identification Code No. PB-0074)

BA 2967-2020
CNR No. PBLD01-008110-2020
Date of Order 28.05.2020

State Vs. Vikram Kumar son of Jagdish Kumar, resident of H.No.279,
Village Dhina, Jandiala Road, Jalandhar Cantt.

FIR No.169 dated 09.07.2018
U/s. 22-61-85 of NDPS Act.
Police Station GRP, Ludhiana.

Present: Ms. Mini Gill Adv for the applicant.
Sh. Dinesh Verma Ld. Addl. PP for the State.

(Virtual Court through Video Conference)

Order

Bail application put up before me being Duty Judge on
account of Lockdown due to outbreak of Covid-19 Pandemic.

2. Heard on the application having been moved on behalf
of applicant seeking grant of concession of bail in this case.

3. In the application, it has been alleged that the applicant
has been falsely implicated in this case. The applicant is in
judicial custody since long. So, prayer has been made for
releasing the applicant/accused on bail.

4. Pursuant to notice given to State, record has been
produced by the police authorities. Learned Addl.P.P. for the State
has contested the claim of applicant on the plea that in view of
recovery having been effected from present applicant which falls
into commercial category and in view of bar enshrined in Section
37 of NDPS Act, the applicant is not entitled to the grant of
concession of bail.

5. I have given thoughtful consideration to the respective
submissions of both sides and gone through the documents on
record.

6. In this case, the allegations levelled against the
applicant are that he was found possessing 40 injections of

Buprenorphine and 40 bottles of Avil. The recovery of the contraband from the accused falls into commercial quantity. Even more, as per bar enshrined in Section 37 of NDPS Act, accused is not entitled to the grant of concession of bail in the light of quantity having been recovered from the applicant. More so, there is nothing substantive on record to infer at this stage that accused/applicant is not involved in the commission of alleged offence and it can also not be inferred that accused, if granted concession of bail, would not get himself indulged again in the commission of such type of offence. So applying these considerations and keeping in view the facts and circumstances of present case and in view of the fact that recovery to which accused is related, falls in commercial quantity, this Court is constrained to hold that applicant does not deserve the concession of bail in this case. Hence the bail application moved by the applicant is dismissed without expressing any opinion on merits of the case. Papers be attached with main case.

Announced:28.05.2020

(Jagdeep Singh Marok)
Judge Special Court-1
Ludhiana, UID No.PB0074

Ajay Sarin, SG/II