

In the Court of Hardip Singh, Judge, Special Court, Ferozepur

CNR No.PBFZ0100-8156-2023

CIS No. BA/3091 of 2023

Date of Order: 29.11.2023

State of Punjab.

Versus

Manjinder Singh alias Arshdeep Singh aged 22 years son of Harbans Singh, resident of village Rode Wala, Police Station Mallanwala, District Ferozepur. *... Applicant/Accused.*

FIR No.63, dated 05.05.2022

U/s 21/22/29/61/85 of NDPS Act

Police Station Makhu.

(Application for bail under Section 439 of Cr.P.C)

Present: Sh. G.S. Gill, Advocate, counsel for applicant/accused.
Sh. Karan Dhingra, Additional Public Prosecutor for State.

O R D E R

1. Heard on the bail application filed by applicant/accused Manjinder Singh alias Arshdeep Singh, under Section 439 of Cr.P.C, pertaining to FIR No.63, dated 05.05.2022, under section 21/22/29/61/85 of NDPS Act, Police Station Makhu.

2. Learned counsel for the applicant/accused has argued and contended that name of the applicant/accused is not mentioned in the FIR and he has been nominated on the statement of co-accused, which is not admissible in evidence. Challan in this case has already been

presented and charge has also been framed, so the applicant/ accused is no more required for further investigation. Applicant/accused is in custody since 18.07.2023. Hence, prayer has been made for grant of concession of bail.

3. Notice of the bail application was given to the State, through learned Additional Public Prosecutor for the State, who appeared and opposed the present bail application on the ground that in this case, recovery of 310 grams Heroin has been effected from co-accused/non-applicant Thomas, who has suffered disclosure statement that said Heroin was supplied to him by the present applicant/accused. The quantity of Heroin recovered in this case falls under commercial quantity. As such, applicant/accused is not entitled for bail.

4. Heard. Perusal of the record shows that the present case has been registered against co-accused/non-applicant Thomas, who was apprehended by the police and recovery of 40 grams Heroin was effected from him. During investigation, said accused has got recovered another 270 grams Heroin and also suffered a disclosure statement that he has purchased entire contraband from the present applicant/accused. Although, the challan has been presented and charge has been framed in this case, but, at this stage, as per the case of the prosecution the applicant/accused is directly linked with the

recovered contraband, which is 310 grams Heroin, which falls under commercial quantity and as per section 37 of the NDPS Act, there is bar on granting regular bail in such cases. Accordingly, the applicant/accused is not entitled for regular bail and the present bail application moved by the applicant/accused stands dismissed and disposed of. Anything stated in this order shall have no bearing on the merits of the case in any manner. File be attached with the file of the main trial.

Announced in open Court.

Dated: 29.11.2023

Pritpal Singh

Stenographer Gr. II

Sd/-
(Hardip Singh)
Judge, Special Court,
Ferozepur.
UID No.PB0638