

**IN THE COURT OF VIKRANT KUMAR,
JUDGE, SPECIAL COURT,
MOGA (UID No.PB00213).**

CNR No.PBMO010007952023.

CIS Filing No.BA/279/2023.

Date of order : 14.02.2023.

State Versus Amarjit Singh son of Jagdish Singh son of Gurnam
Singh, resident of Near Gurdwara Sahib,
Godhewala, Moga, Tehsil and District Moga.

----Applicant-accused

FIR No.238 dated 3.11.2022.

Under Sections : 21,29 of NDPS Act.

Police Station : City Moga.

2nd Bail Application under Section 439 Cr.P.C.

Present :- Shri Sahib Singh, Additional Public Prosecutor for State.

Shri Gagandeep Singh Brar, Advocate for applicant-accused

Amarjit Singh

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ORDER

1. The brief facts of the case, which require consideration for disposal of the present bail application are that present FIR has been lodged on the ground that on 3.11.2022 on the basis of secret information, applicant-accused along with co-accused namely Baljinder Singh @ Jindri, Karamjit Singh @ Sahil, and Balwinder Singh @ Ghaint were apprehended by ASI Ashok Kumar while traveling in Cruze car bearing No.HR-26/BF-4271 and polythene envelope containing 250 grams Heroin was recovered from box of car built backside the gear. He was arrested from the spot. Thus, present bail application has been filed.

2. I have heard the learned counsel for the applicant-accused as well as learned Additional Public Prosecutor for the State.

3. Present FIR was lodged against applicant-accused by name. From Cruze car, in which applicant-accused along with co-accused was traveling, 250 grams Heroin had been recovered. Report of Forensic Science Laboratory has been received. As per said report, salt Diacetylmorphine has been found in Heroin. There is no change of circumstances in the case after dismissal of first bail application of accused-applicant. Only challan has been presented. Contention of learned counsel for accused-applicant is that recovery of 250 grams Heroin does not fall within the ambit of commercial

quantity. This court is of the view that heavy quantity of Heroin recovered from Cruze car bearing No.HR-26/BF-4271, in which, applicant-accused along with his co-accused was traveling. Bail applications of co-accused Karamjit Singh @ Sahil and Baljinder Singh @ Jindri have already been dismissed. Thus, Principle of Parity applies in the present case. So, applicant-accused being in custody, is not sole ground for considering merit of this bail application. Considering heinousness of offence and heavy quantity of contraband, no ground is made-out to grant bail to the accused, thus same stands dismissed. Papers be tagged with main file bearing CIS No.NDPS/483/2022.

Pronounced.
Dated :- 14.02.2023.

Jagjit Singh Panesar, Stenographer-I

(Vikrant Kumar)
Judge, Special Court,
Moga (UID No.PB00213)