

**In the court of Sardar Harjeet Singh, Judge, Special Court,
Moga. (UID No.PB0131)**

CIS No.BA/2781/2022
CNR No.PBMO010073732022
Date of Order:- 17.12.2022

State of Punjab

Versus

Harpreet Singh alias Bunti son of Mohinder Singh resident of village Buttar
Kalan, Tehsil and District Moga.

....Accused/Applicant

FIR No.86 dated 04.07.2022,
U/s 22/61/85 of NDPS Act ,
P.S. Badhni Kalan.

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Bail Application under Section 439 Cr.PC.

Present: Sh. Manpreet Bawa Advocate for applicant/accused
Sh. Kuldeep Sahni Addl.PP for the State

ORDER

Vide this order, I intend to dispose of bail application under Section
439 Cr.P.C filed by applicant-accused in the FIR mentioned above.

Main file was received and perused.

Learned counsel for accused/applicant has argued that accused/
applicant has been falsely implicated in the case in hand. The alleged recovery
has already been effected and now nothing is to be recovered from the
accused/applicant. Applicant/accused is in judicial custody since 04.07.2022. The
challan has already been presented but completion of trial will take long time and
prayed that applicant-accused be released on bail.

On the other hand, learned Addl. PP for the State argued that
recovery of 70 tablets of Etezola 0.5 mg tablets effected from the
accused/applicant falls under commercial quantity and it is not a fit case, where

concession of bail can be granted to accused/applicant and prayed that bail application be dismissed.

I have considered the submissions of learned Counsel for the applicant-accused and learned Addl. PP for the State.

Perusal of record shows that present FIR was registered by the police on the allegations that the police party headed by ASI Jagdev Singh was going from Badhni Kalan towards canal bridge of village Rania in connection with patrolling and checking of bad elements. When the police party reached at 300 meter ahead from canal bridge of Badhni Kalan, two persons was seen coming from opposite side having transparent polythene envelops in their hands. On seeing the police party, they tried to flee away. Thereafter, they were apprehended and first person disclosed his identity as Sukhwinder Singh alias Rajveer Singh and second person disclosed his identity as Harpreet Singh alias Bunty. Upon checking of transparent polythene envelop carried by accused/applicant, recovery of 70 tablets Mark Etezola 0.5 mg was effected.

As per report of FSL, 70 tablets of Etezola 0.5 mg containing salt "Etizolam" recovered from the accused was having total weight 9.45 grams, which falls under commercial quantity. Since, the recovery effected from the accused/applicant falls under the commercial quantity, as such, there is bar of Section 37 of NDPS in granting bail in case of commercial quantity. So, keeping in view the gravity of offence alleged to have been committed by applicant-accused and seriousness of the allegations, it is not a fit case where concession of bail can be granted to accused. Accordingly, bail application is dismissed. Papers be attached with relevant record.

Pronounced.
17.12.2022.
(Sunny Stenographer II)

(Harjeet Singh)
Judge, Special Court,
Moga. (UID No.PB0131)

Present: Sh. Manpreet Bawa Advocate for applicant/accused
Sh. Kuldeep Sahni Addl.PP for the State

Main file received and perused. Arguments heard. Vide my separate order of even date, the present bail application stands dismissed. Papers be attached with relevant record.

Pronounced.
17.12.2022.
(Sunny Stenographer II)

(Harjeet Singh)
Judge, Special Court,
Moga. ***(UID No.PB0131)***