

**IN THE COURT OF SH. KULBHUSHAN KUMAR,
(UID No.PB0170)JUDGE SPECIAL COURT, LUDHIANA.**

CIS No.BA /560/2020.
CNR No. PBLD010016632020.
Date of order :24.01.2020.

State	Versus	Hardeep Singh,aged 33 years son of Hari Singh, resident of Village Khirnian, Samrala, Khanna, Ludhiana,Punjab.
		FIR No. 153 dated 19.07.2019. U/s 15, 18, 22, 29, 61, of NDPS Act, 1985 P. S. Samrala, District Ludhiana.

Bail application U/s 439 Cr.P.C.

Present: Sh. J.S.Bhogal Adv., counsel for applicant/accused.
Sh. Harkirat Singh, Addl. P.P for State.

ORDER

1. The applicant-accused Hardeep Singh has filed the bail application U/s 439 Cr.P.C in case FIR No.153 dated 19.07.2019, U/s 15, 18, 22, 29, 61, of NDPS Act, 1985, P. S. Samrala, District Ludhiana.
2. Notice of the bail application was issued to the State. Record has been requisitioned and perused.
3. Counsel for the applicant/accused has argued that the applicant/accused is innocent and has been falsely implicated in this case and is in judicial lockup and as such he is no more required by the police for further investigation of the case. The alleged recovery of 290 strips containing 60-60 of Lomotil Tablets and 25 bottles of Rexcon has been planted upon the applicant/accused. The samples were not drawn from each of the recovered. The recovery of tablets is non commercial and section 37 of NDPS Act is not applicable. In the present case the challan and report of Chemical Examiner has already been received. He further argued that the conclusion of trial will take long time. No purpose would be served to detain the applicant/accused behind the bar. He prayed to allow the bail to the applicant/accused.
4. On the other hand, learned Addl.P.P opposed the contentions raised by applicant/accused. He further argued that the recovery effected

from the applicant/accused and non applicant/accused is of commercial in nature, so he is not entitled to bail at this stage. He prayed for dismissal of the bail application.

5. After hearing the arguments addressed by Ld. Counsel for applicant/accused and Ld. APP for State and after going through the police record with their able assistance, this court is of the view that as per the allegations of the prosecution against the applicant/accused and his non applicant/accused are that 17,400/- intoxicant tablets and 25 bottles of intoxicant Rexcon Syrup Lomotil Batch No.03L19035 and 25 bottles of intoxicant Rexcon Syrup Batch No.VHL1803063 was recovered from the possession of applicant/accused and 500 gram Opium, 01 Kg Poppy Husk, 2400 Intoxicant Tablets of Lomotil, 30 Injections of Bupine Buprenorphine 2ml, 270 Intoxicant Tablets of Alprasafe, 08 Injections of Mephentermine Sulphate 10ml were recovered from the possession of non applicant/accused.. The FSL Report has also been received. As per FSL report the contraband alleged to be recovered from the applicant/accused and non applicant/accused is of commercial in nature. Prima-facie the recovery effected from the applicant/accused is commercial in nature. In view of the provisions of Section 37 of NDPS Act the applicant/accused does not deserve the concession of bail. Hence, the present bail application filed by the applicant/accused Hardeep Singh deserves no merit and the same is hereby dismissed. Police record be returned. Let papers be attached with the remand papers for further reference if any.

**Pronounced in open court,
Dated : 24.01.2020.**

Krishan Kumar
Stenographer-I

**(Kulbhushan Kumar),
(UID No.PB0170),
Judge Special Court,
Ludhiana.**