

Devinder Kumar Vs. State of Punjab

BA No. 2618/2019
CNR No. PBPT-01013201-2019
Date of Order: 25.9.2019

Bail application under Section 439 Cr.P.C.

Present: Sh. Harish Ahuja, Advocate for the applicant
Sh. B.S.Dhammi, Public Prosecutor for the State

ORDER

1. Accused/applicant has filed this application for grant of regular bail, notice of which is given to the Public Prosecutor for the State, who appeared and contested the bail application. Record produced.
2. As per the prosecution version on 10.7.2019 the police of CIA Samana in the area of bridge canal Kasampur apprehended the applicant with 12000 intoxicating tablets. So FIR was registered.
3. It is argued that applicant is innocent and falsely implicated in this case. There is no mandatory compliance of provisions of NDPS Act. On 10.7.2019, applicant was present at his shop and police officials forcibly entered there and the said activity is recorded in CCTV Camera and false FIR has been prepared. The daughter of the applicant has moved an application for his innocence but no enquiry in the matter was got conducted. False recovery has been planted upon the applicant. So it is prayed that applicant be released on bail. An application is also filed seeking permission to submit the CCTV footage in Pen Drive, which is allowed to be taken on record and played.
4. Whereas, learned Public Prosecutor has opposed the bail application stating that huge quantity of narcotic was recovered from the possession of the applicant and he is not entitled to concession of regular bail.

5. Heard. Record Perused. As per record, 12000 intoxicating tablets which as per the report of FSL was containing Tramadol Hydrochloride were recovered from the applicant. The said recovery falls in commercial quantity. It is matter of trial that applicant has been falsely implicated in this case by entering his shop forcibly by the police officials. The veracity in contents of Pen Drive cannot be ascertained at this stage. There is bar under Section 37 of NDPS Act to grant the bail to the applicant in this case. So Keeping in view of the huge recovery effected from the applicant, he is not entitled to concession of regular bail and his bail application stands dismissed. This file be attached with the main case.

Pronounced:

September 25, 2019

Sunil Kumar Garg, Stenographer-II

(Shiv Mohan Garg)
(UID No. PB0164)
Judge, Special Court
Patiala