

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

CIS No.BA/2552/2022
CNR No.PBMO010067232022
Date of Order:- 13.12.2022

State of Punjab

Versus

Jagjeet Singh alias Ravi son of Jagtar Singh resident of Kokri Kalan Road,
village Bhinder Kalan, Tehsil Dharamkot, District Moga.

....Accused/Applicant

FIR No.201 dated 24.08.2022,
U/s 21/22/29/61/85 of NDPS Act ,
P.S. Dharamkot.

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Bail Application under Section 439 Cr.PC.

Present: Sh. G.S.Brar 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.

Police record was summoned and received.

Learned counsel for accused/applicant has argued that
accused/applicant has been falsely implicated in the case in hand. Nothing is
to be recovered from the accused/applicant. The alleged recovery effected
from the accused/applicant does not fall into commercial quantity. The
mandatory provisions of NDPS Act are not complied with. Applicant/accused
is in judicial custody since 24.08.2022. The presentation of challan and
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 200 tablets of Etezola 0.5 mg tablets effected from 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.

Perusal of record shows that present FIR was registered by the police on the allegations that the police party headed by ASI Kuldeep Singh was going towards Dharamkot, Lohgarh, Bhinder Khurd, Bhinder Kalan, Indergarh etc. in connection with patrolling duty and checking of bad elements. When the police party reached near grain market, Bhinder Kalan, one person was seen standing near a tree and on seeing the police party, he tried to ran away from the spot after throwing one black colour polythene bag carried by him in his hand. On suspicion, the said person was apprehended and he disclosed his identity as Jagjit Singh alias Ravi. Thereafter, upon checking of polythene envelop thrown by accused/applicant, it was found to be containing 4 grams of heroin, 20 strips of intoxicant tablets Mark Etezola 0.5 mg each strip containing 10 tablets (total 200 tablets) and drug money of ₹ 17,300/-.

As per report of FSL, 200 tablets of Etezola 0.5 mg containing salt Etizolam recovered from the accused was having total weight 27 grams, which falls under commercial quantity. Since, the recovery of intoxicant tablets 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.
13.12.2022.
(Sunny Stenographer II)

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

Present: Sh. G.S.Brar Advocate for applicant/accused
Sh. Kuldeep Sahni Addl.PP for the State

Police record 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.
13.12.2022.
(Sunny Stenographer II)

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