

**IN THE COURT OF PARMINDER SINGH RAI,
JUDGE, SPECIAL COURT; GURDASPUR**

Bail application No. 309 of 21.04.2022

CIS No: BA/1098/2022

CNR No: PBGD01-002609-2022

Date of Decision: 04/05/2022

Sanjiv Kumar @ Manga s/o Surinder Pal @ Swinder Pal, r/o Village
Khera Sultan, Police Station Kotli Surat Malhi, District Gurdaspur.

.....Petitioner.

Versus

State of Punjab

.....Respondent.

FIR No.48 dated 27.06.2019

Under Sections 21 & 22 of NDPS Act, 1985.

Police Station:- Fatehgarh Churrian.

Bail application under Section 439 Cr.P.C.

Present: Sh. Onkar Singh Sodhi, Adv, counsel for petitioner.
Sh.Kiran Kumar, Ld. Additional P. P for State

ORDER

1. Present petition has been filed by petitioner seeking regular bail under Section 439 of Cr.P.C. for the alleged commission of offences as mentioned above.

2. Upon notice, learned Additional P.P put in appearance and contested the bail application. Police record was requisitioned and perused.

3. The case of the prosecution is that on 27/06/2022, at about 09:15 p.m., in the area of Chungi, Dera Baba Nanak Road,

Fatehgarh Churrian, 4200 intoxicating tablets without label were recovered from petitioner. Petitioner was arrested and he was released on bail by the Court of Sh. K.K. Singla, the then Ld. Judge Special, Court, Gurdaspur vide order dated 19.08.2019 and accused/applicant was directed to surrender before the Court as and when report of FSL will receive in Court. Thereafter, challan was presented in the Court and accused failed to appear before the Court. When the presence of accused/applicant could not be procured through non-bailable warrants, he was summoned through proclamation and ultimately, he was declared proclaimed offender by the Court of Ld. Predecessor Court vide order dated 16.11.2021.

4. It is submitted by the learned counsel for the petitioner that due to misconception created by the investigating officer, he could not appear before the Court and ultimately, he was declared proclaimed offender. Petitioner is in custody since 10.12.2021. Conclusion of trial shall take long time and no purpose would be served by keeping the accused behind the bars for indefinite period. At the end, learned counsel for the petitioner prayed that the petitioner may be released on regular bail.

5. On the other hand, learned Additional Public Prosecutor submitted that the petitioner was earlier admitted to interim bail. As per report of Forensic Science Laboratory, the contraband recovered in this case was 4200 intoxicating tablets and the quantity of

contraband falls in the category of commercial quantity. In view of the bar contained in Section 37 of the NDPS Act, the petitioner is not entitled to regular bail, as such, the present bail application is liable to be dismissed.

6. I have heard learned counsel for petitioner as well as learned Additional Public Prosecutor for State and also perused the record.

7. Earlier, petitioner was admitted to bail by the Court of Shri K.K. Singla, the then learned Judge, Special Court, Gurdaspur vide order dated 19.08.2019 as the report of FSL was not received at that time. Thereafter, challan was presented in the Court and accused failed to turn up in the Court. When the presence of accused/ applicant could not be procured through non-bailable warrants, he was summoned through proclamation and ultimately, he was declared proclaimed offender vide order dated 16.11.2021. Petitioner is a proclaimed offender. Challan has already been presented. As per report of FSL, the contraband recovered in this FIR falls in the category of commercial quantity. Keeping in view above facts and circumstances, the quantity of contraband recovered in this FIR and the bar contained in Section 37 of NDPS Act, this Court is of the considered opinion that the petitioner is not entitled to the concession of regular bail at this stage, as such, the present bail application is hereby dismissed. Record of bail application be attached with the

main file.

Pronounced
Dated:04.05.2022
Gurpreet Singh, Stenographer-II

(Parminder Singh Rai)
Judge, Special Court,
Gurdaspur/UID No.PB00175

Present: Sh. O.S. Sodhi, Adv, counsel for petitioner.
Sh. Kiran Kumar, Ld. Additional P. P for State

Judicial record received. Arguments heard. Vide my
separate detailed order of even date, bail application has been
dismissed. Record of bail application be attached with the main file.

Pronounced
Dated:04.05.2022
Gurpreet Singh, Stenographer-II

(Parminder Singh Rai)
Judge, Special Court,
Gurdaspur/UID No.PB00175