

**IN THE COURT OF GURPARTAP SINGH
JUDGE SPECIAL COURT, SANGRUR
(Unique Identification No.PB-0206)**

B.A/CIS. No.1052/2022

Date of order: 26.04.2022.

Raj Kumar @ Raju son of Hukam Chand Goyal, resident of Sajda Colony, Bangali Doctor Wali Gali, Malerkotla, Tehsil and District Malerkotla (now confined in Sub Jail, Malerkotla)

.....Applicant.

Versus

State of Punjab

FIR No.67 dated 02.03.2022

Under Sections 22/29/61/85 NDPS Act,
Police Station : City-I, Malerkotla.

Bail application Under section 439 Cr.P.C.

Present: Shri Taran Singh, Advocate, counsel for applicant
Shri Puneet Khanna, Addl. PP for the State.

ORDER

1. The present application has been filed by the applicant-accused **Raj Kumar @ Raju** for seeking regular bail under the provisions of Section 439 Cr.P.C. in the above noted FIR.
2. Notice of the bail application was given to State. The learned Additional PP for the State, made appearance on behalf of the State and got produced the police record.
3. I have heard the learned Counsel for applicant, Additional PP for the State and also perused the record.
4. It is submitted in the application as well as argued by learned counsel for applicant-accused that the applicant is a law abiding citizen and has not committed any offence. The applicant has been falsely

implicated in the present case by the police of P.S.City-I, Malerkotla and the police has not complied the mandatory provisions of ND & PS Act. Chemical examiner report has not yet received. Presentation of chemical examiner report, challan and conclusion of trial will take long time for disposal and no useful purpose will be served by keeping the applicants/accused in custody. The applicant will not misuse the concession of bail and also undertakes to appear before the Court on each and every date of hearing and will not tamper the prosecution evidence during trial. On the strength of these arguments, it is prayed that the applicant be granted concession of regular or interim bail.

5. On the other hand, while controverting his contentions, the learned Additional PP for the State has vehemently argued that the applicant is involved in a case of Narcotic Drugs and Psychotropic Substances Act. During interrogation co-accused disclosed that they have purchased the said contraband from the applicant. As such the applicant was nominated in the present case being supplier of the contraband. As the recovery effected from co-accused is of commercial quantity, he does not deserve the leniency of the Court in grant of relief of regular bail or interim bail.

6. Perusal of the record shows that on 02.03.2022, ASI Charanjit Singh along with the police party were going from village Adampal to City Malerkotla in the course of patrolling and checking of suspected persons in a govt. vehicle bearing No.PB-13AW-4105. When the police party reached about 100 meter ahead of Tara Convent School

then at about 1:00 P.M., two persons were seen coming on a motor cycle bearing No.PB-13X-0445 Make Hero Delux from village Adamwal. On seeing the police vehicle, they tried to turn the motor cycle which suddenly stopped. On the basis of suspicion, ASI Charanjit Singh apprehended them with the help of other police officials and the pillion rider threw the transparent polythene carry bag out of which tablets were visible. The rider of the motor cycle disclosed his name as Mohd. Manish @ Kala (co-accused) son of Mohd. Jameel, son of Mohd. Rashid, resident of Mohalla Telian Wala inside Sarhandi Gate Malerkotla and the pillion rider disclosed his name as Mohd. Rashid @ Aada (co-accused) son of Mohd. Hanif son of Mohd. Sharif, resident of Bagmaan Mohalla Sarhandi Gate Malerkotla. On checking the transparent polythene carry bag, **50 strips of Alprazolam** (each strip containing 60 tablets i.e. total no. of 3000 intoxicant tablets of Alprazolam) were recovered. During interrogation co-accused disclosed that they purchased the said intoxicants tablets from Raj Kumar @ Raju (applicant) son of Hukam Chand resident of Sajda Colony Bangali Doctor Wali Street, Malerkotla now resident of Gaushpura for an amount of Rs.11,500/-. As such, the applicant was nominated in the present case under Section 29 of NDPS Act being supplier of the contraband and was arrested in this case on 03.03.2022.

7. The provisions of Section 37 of NDPS Act are attracted in this case as huge quantity of contraband i.e. 3000 tablets of Alprazolam have been recovered from the possession of co-accused. Further the case

of the accused/applicant cannot be considered for interim bail as it is not a case where some loose powder or liquid has been recovered, but it is a case where 3000 tablets of Alprazolam have been recovered. The applicant is thus not entitled to be released on regular bail or interim bail. Therefore, the bail application is ordered to be dismissed. Police record of return. Papers be attached with the remand papers.

Pronounced in open Court
26.04.2022.

(Gurpartap Singh)
Judge Special Court,
Sangrur UID No.PB-0206

Mamta Threja
Stenographer-I