

PBRO010041692023



Presented on : 17-08-2023
Registered on : 17-08-2023
Decided on : 21-08-2023
Duration : 0 years, 0 months, 4 days

**IN THE COURT OF MOHIT BANSAL
JUDGE SPECIAL COURT, RUPNAGAR
(UID No.PB0208)**

State Vs. Tajinder Singh @ Babu

F.I.R No.89 dated 13.07.2023
Under Section: 22 of NPDS Act, 1985
Police Station: Sri Anandpur Sahib

Present: Sh. Rajinder Singh Sohi Advocate, Ld. Counsel for applicant-accused Tajinder Singh @ Babu.
Sh. Dhanesh Kumar, Ld. APP for the State assisted by ASI Balvir Singh No.352/R, PS Sri Anandpur Sahib.

ORDER:

1. Notice of the regular bail application under Section 439 Cr.P.C was given to the State for today. Reply to the bail application has not been filed. Police record has been produced by ASI Balvir Singh No.352/R, Police Station, Sri Anandpur Sahib.
2. The applicant-accused Tajinder Singh @ Babu is seeking regular bail on the ground that a false case has been registered against the applicant-accused. The applicant is innocent and has committed no offence. No recovery has been effected from the applicant-accused. The

applicant-accused is in custody since 13.07.2023. Earlier, police have also implicated the applicant in two false FIRs under NDPS Act. With these averments a prayer for allowing the instant bail application, has been made.

3. The Learned Counsel for the applicant-accused has submitted that the applicant-accused Tajinder Singh has been falsely implicated in the present FIR. Nothing has been recovered from the applicant-accused. FSL report has yet to be received. Upon this, the Learned Counsel has prayed for allowing the instant bail application.

4. On the other hand, the Learned APP for the State has submitted that 17 intoxicant injections make Leegesic, Buprenorphine (02ML each) and 17 bottles of Avil (10ML each) along with Rs.44,000/- drug money were recovered from the car, which was being driven by the applicant-accused. The recovery effected is commercial quantity. The Learned APP has further submitted that there are two more FIRs under NDPS Act against applicant-accused Tajinder Singh. Upon this, the Learned APP has prayed for dismissal of the instant bail application.

5. I have heard the rival submissions and perused the record carefully.

6. The applicant-accused Tajinder Singh is seeking regular bail on the plea that he is no innocent and nothing has been recovered from him. It has to be noted that applicant-accused Tajinder Singh along with co-accused Updesh Singh were traveling together in the car bearing No.PB-08-BX-

8611. The said car was being driven by applicant-accused Tajinder Singh and upon checking the car, from the dashboard, 17 intoxicant injections make Leegestic Buprenorphine (02ML each), 17 bottles of Avil- (10ML each) and Rs.44,000/- drug money were recovered.

7. As per notification under NDPS Act, Buprenorphine above 20 grams is commercial quantity. 1 ML herein has to be taken as one gram. Therefore, 17 injections of Buprenorphine (2ML each) come to 34 ML which further comes to 34 grams which is greater than 20 grams. Therefore, the said recovery appears to be commercial quantity.

8. Keeping in view the fact that commercial quantity of intoxicant injections appears to have been recovered from the applicant-accused, this Court is of the opinion that regular bail application filed by the applicant-accused Tajinder Singh, is not liable to be allowed and accordingly, the same is hereby dismissed.

9. Any observation made herein is limited to the purpose of deciding of the present bail application.

10. Police record be returned. Papers be attached with the remand papers.

Pronounced in open Court:-
Dated: 21.08.2023

(Mohit Bansal),
UID No.PB0208
Additional Sessions Judge,
Rupnagar

Anis Ahmed STG-II