

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

CIS No: BA/1907/2023
CNR No: PBGD01-004759-2023
Date of Decision: 04.07.2023

Rinku s/o Suchat @ Kaku r/o Village Kaire PS Behrampur, Tehsil
Dinanagar, District Gurdaspur.

.....Petitioner.

Vs.

State of Punjab

.....Respondent

FIR No.30 dated 10.05.2023
Under Section 21(a), 27-A NDPS Act and 61.1.14/ 78(2)
Excise Act,
Police Station:- Behrampur

Bail application under Section 439 Cr.P.C.

Present: Sh. Narinder Kumar, Advocate, counsel for
petitioner
Sh. K.S. Gill, Addl. Public Prosecutor 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. It is submitted by the learned counsel for petitioner that petitioner is innocent and he has been falsely implicated in the present case. Petitioner has not committed any offence. Petitioner

has been coming in custody since 10.05.2023. Conclusion of investigation and presentation of challan shall take sufficient long time and no purpose would be served by keeping the petitioner behind the bars for indefinite period, so, he may be admitted to regular bail.

4. On the other hand, it is submitted by learned Additional Public Prosecutor that the allegations against petitioner are serious in nature. He has also contended that the amount of Rs.16500/- so recovered have been earned by illicit trafficking of drugs, so the present bail application is liable to be dismissed.

5. I have heard the arguments of learned counsel for petitioners as well as of learned Additional Public Prosecutor and perused the record.

6. As per the case of the prosecution, on 10.05.2023 in the area of village Kaire, one person was intercepted by police party during patrolling duty who was coming on scooter bearing registration no. PB-58-8485. On seeing the police, he become perplexed and was apprehended on suspicion. On inquiry, he disclosed his name Rinku. On search, 5 grams 50 mg heroin, 20 bottles of illicit liquor alongwith drugs money of Rs. 16,500/- was recovered from him. He was arrested and since then he is in custody.

7. Accused applicant has been apprehended in the present case for the recovery of 5 grams 50 mg heroin, 20 bottles of illicit

liquor and drugs money of Rs. 16,500/-. As per the case also said money of Rs. 16,500/- has been of the sale of the drugs which was with accused. Accused-applicant is stated to be convicted in one case under Excise Act. Section 37 of NDPS Act creates a bar to release the accused in cases for the offence punishable under section 27 (A) of the NDPS Act. Offence under Section 27-A of the NDPS Act is grave and serious one in as much as it relates to financing of the illicit trafficking of drugs even menace of drugs is eating into the vitals of society in as much as the youth of the country is being lured into drugs and its addiction posing a great threat to even the growth of country and nation building. Given the seriousness of allegations and bar contained under Section 37 of NDPS Act, this Court does not intend to release accused applicant from custody as there is every possibility that if he is released on bail, he would again indulge in same kind of offences as well and it would be a great threat to the society. Hence, the bail application of accused-applicant is hereby dismissed. Police record be returned. Record of present bail application be consigned to record room.

Pronounced
Dated:-04/07/2023.
Gurpreet Singh, Stenographer-II

(Parminder Singh Rai)
Judge, Special Court,
Gurdaspur (UID No. PB0175)

Present: Sh. Narinder Kumar, Advocate, counsel for
petitioner
Sh. K.S. Gill, Addl. Public Prosecutor for State.

Police record produced. Arguments heard. Vide my
separate detailed order of even date, bail application has been
dismissed. Copy of this order be attached with remand papers.
Record of bail application be consigned to the record room.

Pronounced
Dated:-04/07/2023.
Gurpreet Singh, Stenographer-II

(Parminder Singh Rai)
Judge, Special Court,
Gurdaspur (UID No. PB0175)