

**IN THE COURT OF SH. SANDEEP S. JOSSAN (PB0150)  
JUDGE SPECIAL COURT, FAZILKA.**

**B.A. No. 191 of 05.02.2018  
Filing ID No. 445 of 2018  
CNR No. PBFZC0-000606-2018  
Decided on :- 06.04.2018**

Balraj Singh @ Raju, aged 30 years, son of Jarnail Singh, Caste Jat Sikh,  
resident of Naushera Dhala, P.S.Sarai Amanat Khan, District Tarantarn.

. . . Accused/applicant.

Versus

State of punjab.

. . . Respondent.

FIR No. 98 dated 04.07.2015  
U/s 21/22/24/25/27/28/29/30/61/  
88 of NDPS Act  
P.S. Sadar, Jalalabad.

Present: Sh. Rahil Birla, cl for the applicant.  
Addl. PP for the State.

**ORDER**

1. This order disposes off bail application of accused described in detail herein above.

Accusation leading to registration of this FIR is that on 04.07.2015  
Inspector Jaswant Singh IO has received secret information that accused

Balraj Singh along with co-accused Harbir Singh alias Bhola, Kakka, Kulwinder Singh, Nachhatar Singh and Boota in conspiracy with B.S.F. official Harpartap Singh were indulging in smuggling of Heroin at Indo Pak border and on that day all accused were on two cars, one is make I-20 bearing NO.PB-06K-9000 and other car is make Swift bearing No.PB -05Y-2729 and were going to collect Heroin near fencing of Indo Pak border. On this information separate police parties were formed.

Two Kilograms heroin was recovered from conscious possession of Harpartap Singh on 05.07.2015.

500 Gram heroin was recovered from Gurbachan Singh,

One kilogram heroin was recovered from Harbir Singh,

One kilogram heroin was recovered from Boota Singh,

500 Gram heroin was recovered from Nachhatar Singh,

300 Gram heroin was recovered from Raninder Singh.

Again on 15.07.2015 Boota Singh, Harpartap Singh and Gurbachan Singh alias Bittu got recovered one kilogram Heroin. On the same day Raninder Singh, Harbir Singh and Nachhatar Singh got recovered 600 Gram Heroin. Rs.68,00,000/- (Rs.Sixty eight lacs) were recovered from accused Harpartap Singh, which were used for the purpose of illegal activities of narcotic smuggling. Accused Kulwinder Singh and Gurbachan Singh got recovered Rs.15,00,000/- and 11,00,000/- respectively, which were used for

the purpose illegal activities of narcotic smuggling.

2. It is alleged on behalf of accused that accused innocent and not committed any offence and in custody since 21.10.2016.
3. The application was contested by the learned Additional Public Prosecutor for the State on the ground that in this case heavy quantity of Heroin and currency notes were recovered. The money is for the use to smuggle Heroin. So the quantity recovered from the accused falls in the commercial quantity and the bail cannot be granted to the applicant.
4. Appreciating the contentions aforesaid and having carefully gone through the police record, this is a case of recovery of commercial quantity of Heroin. Cash was also recovered in this FIR. All the accused were party to commit this offence of trafficking of Heroin. The quantity recovered from the applicant/accused falls in the category of commercial quantity. In view of Section 37 of the NDPS Act, 1985 the accused not entitled to bail, bail application is accordingly dismissed.
5. The copy of this order be placed with the remand papers and this file be consigned to the record room.

**Pronounced**  
**06.04.2018**

**-Sd/-**  
**Sandeep S. Jossan**  
**(PB0150)**  
**Judge Special Court,**  
**Fazilka.**

typed by Sunil Kumar,  
stenographer Gr-1.