

CNR No: PBSG010005292021

Reg No. 191/2021

Present: Shri R. K. Guliani, Advocate, counsel for applicant/ accused.
Shri R. S. Kauldhar Addl.P.P. for the State.

ORDER

1. Arguments on bail application moved by applicant/ accused Gagandeep Singh under section 439 Cr.P.C. in this case bearing FIR No. 45 dated 30.03.2020 under Section 21/29/61/85 of NDPS Act 1985, Police Station STF Phase-4 SAS Nagar Mohali, heard. Challan already pending against the applicant/accused in this Court is perused.
2. Learned counsel for applicant/accused has argued that applicant/accused has been falsely implicated in this case. No recovery of any contraband was effected from his possession. Applicant/accused was arrested on 30.03.2020 and he has been in judicial custody since 03.04.2020. Challan has already been presented, the disposal of which will take time. Therefore, it is prayed that the applicant/accused may kindly be released on bail till the decision of the case.
3. On the other hand, learned Additional Public Prosecutor has argued with stress that the recovery of 260 gram Heroin was effected from the possession of applicant/accused. The above said recovery of contraband falls in the ambit of commercial quantity and as such applicant/accused is not entitled to get the concession of bail as per Section of 37 of NDPS Act. Therefore, it is prayed that bail application moved by applicant/accused may kindly be dismissed.

4. As per allegations of the prosecution, on 30.03.2020, 260 gram Heroin was recovered from the possession of applicant/accused Gagandeep Singh by the police party of ASI Jagdev Singh STF, Sangrur when he alongwith her wife Sonia was captured on the basis of secret information in the area of Kakuwal Highway on Sangrur-Patran main Highway road by installing a picket. Challan after concluding the investigation has been presented against applicant/accused and his co-accused Sonia. Perusal of report of FSL, Mohali attached with the challan reveals that the contraband 260 gram brown coloured lumpy material contained Narcotic Drug and Psychotropic Substance Diacetylmorphine which is Heroin. According to Section 2 (viia) and schedule annexed with the Narcotic Drugs and Psychotropic Substances Act, more than 250 gram Heroin falls within the definition of commercial quantity. Therefore, in view of the rigors of Section 37 of Narcotic Drugs and Psychotropic Substances Act, applicant/accused Gagandeep Singh from whom 260 gram Heroin was recovered, is not entitled to get the concession of bail. Accordingly, his bail application is dismissed. File of bail application be attached with the main case pending in this Court for 29.01.2021.

Pronounced

Dated: 25.01.2021.

(Sham Lal),
Judge, Special Court,
Sangrur.
[UID Number PB0123]