

**IN THE COURT OF SANDEEP SINGH BAJWA, JUDGE
SPECIAL COURT, AMRITSAR.**

**B.A. no. 1781/2020.
CNR No. PBAS010045702020.
Date of Institution : 29.4.2020.
Date of order : 1.6.2020.**

S T A T E

Versus.

Prabhdeep Singh @ Prabh son of Bhupinder Singh, R/o Dasuwal, P.S.
Valtoha, Distt. Tarn Taran.

.....Accused.

**FIR no. 53/1.3.2020.
U/s 21,25,29 of NDPS Act.
Police Station : Maqboolpura, Amritsar.**

Ist application u/s 439 Cr.P.C. for regular bail.

Present : Mr. Raviraj Brinder Singh Bhullar, Advocate, counsel for the
applicant/accused through VC.
Ms. Rittu Kumar, Additional PP for the State.

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O R D E R

1. By this order, I shall dispose off the bail application moved
on behalf of abovesaid applicant-accused for regular bail in FIR No. 53

dated 1.3.2020, u/s 21,25,29 of N.D.P.S. Act, P.S. Maqboolpura, Amritsar.

2. Brief facts of the case of the prosecution are that on 1.3.2020, in the area of Vallah Market, P.S. Maqboolpura, Amritsar, 300 gram heroin was recovered from the possession of applicant-accused without any licence or permit. On the basis of ruqa the instant FIR was lodged.

3. Notice of bail application was given to state.

4. Ld. counsel for the applicant argued that nothing incriminating has been recovered from the possession of applicant-accused. The recovery is planted one. He further argued that the presentation of challan shall take long time and till then no useful purpose would be served by detaining the applicant-accused behind bars. He undertakes to abide by the terms and conditions of bail and thereafter prayed for allowing the bail application.

5. Per contra Ld. Addl. PP for the state argued that applicant-accused was arrested at the spot and the recovery made from him falls under the commercial quantity which attracts the provisions of section 37

of NDPS Act, therefore, he does not deserve the concession of regular bail and thus, she prayed for dismissal of the bail application.

6. I have heard the rival submissions besides perusing the record.

7. In the instant case, the applicant/accused alongwith co-accused was arrested at the spot on 1.3.2020 and is in custody since the date of his arrest. The recovery effected from the conscious possession of applicant/accused is that of 300 gram heroin and it falls under commercial quantity as such it attracts section 37 of NDPS Act. Therefore, in such like circumstances, no ground is made out to grant regular bail to the applicant. The allegations against the applicant/ accused are serious in nature. Thenceforth, in view of the gravity and seriousness of the offence, however without expressing any opinion on the merits of the case, the instant bail application sans merit and is hereby dismissed. Police record be returned and bail application file be consigned to the record room.

Pronounced :-1.6.2020.

**(Sandeep Singh Bajwa)
Judge Special Court,
Amritsar.**

Karamjeet Kaur,
Stenographer Grade-II.