

Avtar Singh Vs. State of Punjab

BA No. 1810/2021
CNR No. PBPT-01005684-2021
Date of Order: 2.6.2021

Bail application under Section 439 Cr.P.C.

Present: Sh. Ashu Sharma, Advocate for the applicant (through whatsapp video call)
Sh. Charanjit Prashar, Addl.PP for the State

ORDER

1. Accused/applicant has filed this application for grant of regular bail, notice of which is given to the Public Prosecutor for the State, who appeared and contested the bail application. Record produced.

2. As per the prosecution version on 11.2.2021 near Village Chaura, police of police station Urban Estate, Patiala arrested accused/applicant with 150 capsules make Parvorin-Spas, 150 capsules make Spaxlife-Plus and 152 capsules make Pyeevon-Spas. So FIR was registered.

3. It is argued by ld. Counsel for the accused/applicant that the applicant is innocent and falsely implicated in this case. The alleged recovery against the applicant is planted one. The mandatory provisions of NDPS Act are not complied with. Challan is already presented and conclusion of trial is likely to take time. If the accused/applicant is released on bail, he will abide by the terms and conditions of the bail order. As such, he prayed for grant of bail to the accused/applicant.

4. Whereas, learned Additional Public Prosecutor has opposed the bail application stating that huge recovery of the narcotics were recovered from the applicant and as per the report of FSL, the alleged recovery of narcotics falls

in commercial quantity. So the applicant is not entitled to the concession of regular bail. Hence prayer is made for dismissal of the bail application.

5. Heard. Record Perused. As per the report of FSL, all the 452 capsules recovered from the applicant contained Tramadol Hydrochloride with average weight of approximately 647 mg per capsule and total weight of all the recovered capsules is 290 grams. So the recovered contraband falls in commercial quantity. So keeping in view the said circumstances, there is bar under Section 37 of the NDPS Act in granting the bail as prima facie case is made out. So the applicant is not entitled to concession of regular bail. Hence, the bail application stands dismissed. Papers be attached with the main case.

Pronounced:

June 2, 2021

Sunil Kumar Garg, Stenographer-II

(Shiv Mohan Garg)
(UID No. PB0164)
Judge, Special Court
Patiala