

**In the court of Kewal Krishan,
Judge, Special Court, Ferozepur (UID No.PB-0182).**

Case Type	Bail Application.
CIS No.	BA/1751/2023.
CNR No.	PBFZ010046762023.
Date of order	14.07.2023.

Raj Singh aged 26 years son of Fauja Singh, resident of village Issa Panj Grain, PS Guruharsahai, District Ferozepur.

.....Applicant/Accused.

Versus

The State of Punjab.

.....Respondent.

FIR No.282 dated 06.11.2022.
U/S: 21 of the Narcotic Drugs & Psychotropic Substances Act, 1985.
Offence U/S 29 of this Act was added later on.
Police Station: Guruharsahai.

2nd application for bail under Section 439 of the Code of Criminal Procedure.

Present: Sh. M.S. Rai Advocate, counsel for applicant.
Ms. Teena Addl. Public Prosecutor for the State.

ORDER

The accused/applicant has filed the instant application under Section 439 of the Code of Criminal Procedure. File of trial pending against the applicant and co-accused Paramjit Kaur is taken up. This is 2nd

bail application of the applicant. His first application was dismissed by this court vide order dated 12.01.2023. CRM-M-3706-2023 filed before Hon'ble High Court was dismissed as withdrawn vide order dated 22.05.2023.

2. Arguments are heard. Learned counsel for the applicant/accused has argued that accused-applicant has been falsely implicated in the present case. The alleged recovery has already been effected. The applicant is in custody since 06.11.2022. It is a case of alleged recovery of non-commercial quantity intoxicating substance. Challan has already been presented and conclusion of trial will take long time. No useful purpose would be served by detaining him any more in custody. The applicant undertakes to abide by the conditions, if imposed by this Court and he may kindly be granted concession of bail.

3. On the other hand, learned Addl. Public Prosecutor for the State has hotly contested the application and has stated that in this case at initial stage, recovery of 20 gram Heroin made from the applicant/accused, whereas co-accused Paramjit Kaur was found in conscious possession of 7 gram of Heroin on 06.11.2022 while they were coming in a car. Subsequently, during police remand, on 08.11.2022, the applicant accused got recovered 150 gram Heroin more along with three mobile phones.

Thereafter, Harbans Singh son of Tulla Singh, Manpreet Singh son of Harbans Singh, Banto Bibi alias Balwant Kaur wife of Sohan Singh and Balkar Singh alias Loveli son of Sohan Singh were nominated in this case and offence punishable under Section 29 of the NDPS Act was added. Learned Addl. Public Prosecutor further argued that the first bail application of the applicant/accused was dismissed by this court vide order dated 12.01.2023. There are no changed circumstances. Thus, this second application for regular bail deserves dismissal.

4. This Court has heard the learned counsel for the applicant, learned Addl. Public Prosecutor for the State and perused the record. As per prosecution version, this FIR was registered on 06.11.2022, on the basis of secret information to the effect that Raj Singh (applicant) and Paramjit Kaur wife of Pippal Singh indulge in business of selling heroin at large scale and on that day also, they were coming on Swift Car No.DL-06CL-7092 from the side of Jalalabad after supplying heroin to customers. Thereafter, naka was held and present accused-applicant and co-accused Paramjit Kaur were apprehended by the police party while they were coming in the said car and recovery of 20 gram Heroin made from the applicant/accused, whereas co-accused Paramjit Kaur was found in conscious possession of 7 gram of Heroin on 06.11.2022. Besides,

Rs.1,25,000/- alleged as drug money were also recovered from the car. During police remand, on 08.11.2022, the applicant/accused Raj Singh got recovered 150 gram Heroin more along with three mobile phones make Oppo and it was found that a call was made to Pakistani smuggler through Sim No.7804900016 contained in one of those mobile phones. Thereafter, Harbans Singh son of Tulla Singh and Manpreet Singh son of Harbans Singh were nominated in this case and offence punishable under Section 29 of the NDPS Act was added vide Rapat No.2 dated 09.11.2022, whereas Banto Bibi alias Balwant Kaur wife of Sohan Singh and Balkar Singh alias Loveli son of Sohan Singh were nominated vide Rapat No.25 dated 13.11.2022. Report under Section 173 Cr.P.C. against the applicant/accused and co-accused Paramjit Kaur was presented on 04.01.2023.

5. The applicant/accused filed bail application No.82/2023 under Sections 439 Cr.P.C., which was dismissed by this court vide order dated 12.01.2023. After dismissal of his first application, the applicant filed CRM-M-3706-2023 before Hon'ble High Court, which was dismissed as withdrawn vide order dated 22.05.2023. Thereafter, the applicant has filed present application before this court by misusing the process of law. In these circumstances, the applicant is not entitled to get

concession of bail. Therefore, instant application for regular bail is hereby dismissed. File of this bail application be attached with main file.

Announced in open court.

Dated : 14.07.2023.

anil kumar

Stenographer Grade-II

sd/-

(Kewal Krishan)

Judge, Special Court, Ferozepur

(UID No. PB0182)