

**IN THE COURT OF SH. YUKTI GOYAL,
ADDITIONAL SESSIONS JUDGE, JALANDHAR**
(UID No. PB0220)

CIS Case No :	BA-1753-2023
CNR No :	PBJL01-004093-2022
Date of Institution :	24.03.2023
Date of Order :	27.3.2023

Ajoob alias Mohammad Ajoob aged 31 years son of Din Mohammad
resident of village Kular, Tehsil Jagraon, District Ludhiana, Punjab.

...Applicant/accused

Versus

State of Punjab

(First application for bail under Section 439 Cr.P.C.)

FIR No.139 dated 15.11.2021
Under Sections: 15(b)/15(C)/29/61/85 NDPS Act
P.S. Bhogpur, Jalandhar.

Present: Sh. K.S. Hundal, Advocate for the applicant/accused.
Sh. Anil Gill, Addl.PP for the State.

ORDER

1. This order will dispose of bail application under Section 439 Cr.P.C to release the applicant/accused on bail in FIR No.139 dated 15.11.2021 under Sections 15(b)/15(C)/29/61/85 NDPS Act registered at Police Station Bhogpur, Jalandhar, moved by the applicant/ accused.
2. Upon notice, Ld. Addl.PP appeared on behalf of State.

Yukti Goyal
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3. Ld. Counsel for the applicant/accused argued that applicant/accused is innocent and has been falsely implicated in the present case. It is further argued that the applicant/accused, in no manner, is connected with the alleged recovery. It is further argued that the applicant/accused is no more required in the present case for any further investigation and is in custody since the date of his arrest. Lastly, it is prayed that bail application may kindly be allowed and the applicant/ accused be released on bail.

4. On the other hand, Ld.Addl.PP for the State opposed the bail application on the ground that offences attributed to the accused/applicant are very serious in nature and no leniency is required in such like matters. Lastly, he prayed that present bail application of applicant/accused be dismissed.

5. I have heard Ld. Counsel for the applicant/accused, Ld. Addl.PP for the State and have gone through the file very carefully with their able assistance.

6. Record perused. As per the case of prosecution, on 15.11.2021 25 kgs of poppy husk was recovered from accused Roshan Din son of Nurdin and Jaan Mohd. son of Alafdin by the police party headed by ASI Satpal Singh. During investigation, in pursuance to their disclosure statement, both of them got recovered 125 kgs of poppy husk and their accomplice Mohd. Hussain was also arrested in the present case. During investigation, accused Jaan Mohammad and Roshandin and Mohammad

Hussian suffered disclosure statements that they had acquired poppy husk weighing 150 kgs at the rate of Rs.2000/- per kg. from Ajoob son of Din Mohammad (applicant). Thus, in the considered view of this court it is clear from the record that total 150 kgs of poppy husk was recovered in this case. The recovery of 150 kgs of poppy husk falls within the definition of 'commercial quantity' as provided under NDPS Act. Since commercial quantity of poppy husk has been recovered in this case in total, therefore, this Court is of the considered view that applicant/accused is not entitled to benefit of bail. Hence, the bail application of the applicant/accused is hereby **dismissed**.

7. However, it is made clear that any of the observations made above shall not be construed as opinion of undersigned on the merits of the case, neither it be construed on the merits of the bail application of the co-accused if any. File of bail application be tagged with the main challan.

Date of Order: 27.3.2023

Rajinder Kumar, JW

(Yukti Goyal)

Judge, Special Court

Jalandhar/UID No. PB0220

Yukti Goyal
ASJ/Jalandhar
Dated:27.3.2023