

**IN THE COURT OF VIKRANT KUMAR,
JUDGE, SPECIAL COURT,
MOGA (UID No.PB00213).**

CNR No.PBMO010054322023.
CIS Filing No.BA/2019/2023.
Date of order : 13.09.2023.

State Versus Simarjit Singh @ Simranjit Singh @ Goldy son of
Narinder Singh, resident of Madi Mustafa, Tehsil
Baghapurana, District Moga.

----Applicant-accused

FIR No.21 dated 17.02.2020.
Under Sections : 22 of NDPS Act
Police Station : Baghapurana.

Bail Application under Section 439 Cr.P.C.

Present :- Shri Gurpreet Singh, Additional Public Prosecutor for State.
Shri Hardeep Singh Setia, Advocate for applicant-accused

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ORDER

1. The brief facts of the case, which require consideration for disposal of the present bail application are that present FIR has been lodged on the ground that on 17.02.2020, SI Lakhwinder Singh apprehended applicant-accused on the basis of secret information and polythene envelope containing 50 strips of Clovidol-100SR i.e. total 1000 tablets had been recovered, without any permit or license. Applicant-accused was arrested at the spot. During Covid-19 Pandemic and as per order dated 29.04.2020 passed by Hon`ble Punjab & Haryana High Court, vide order dated 4.05.2020, accused-applicant was granted interim bail till receipt of report of Forensic Science Laboratory with the condition that if on receipt of report, contraband recovered from his possession comes under commercial quantity, then he will surrender before the court and interim bail granted to him will be deemed to be cancelled. However, on receipt of Forensic Science Laboratory report, contraband recovered from his possession comes under the commercial quantity. Challan was presented in the court on 5.08.2020, but the accused-applicant did not appear before the Court. Accordingly, vide order dated 8.09.2021, above said interim order, vide which, the accused-applicant was granted interim bail was cancelled. He was summoned through

warrant of arrest. Ultimately, he was declared proclaimed offender, vide order dated 13.02.2023. On 27.03.2023, accused-applicant has surrendered before the court. Thus, present bail application has been filed

2. I have heard learned counsel for applicant-accused as well as learned Additional Public Prosecutor for the State and have gone through the record

3. In the present case, accused-applicant was found in conscious possession of 50 strips of Clovidol-100SR tablets i.e. total 1000 tablets. As per said report, in 1000 Clovidol-100SR tablets containing 400 grams of Tramadol Hydrochloride salt falling within commercial quantity, which attracts rigors of Section 37 of NDPS Act. Thus, accused-applicant being in custody, is not sole ground for considering merit of this bail application. Considering heinousness of offence, no ground is made-out to grant bail to accused-applicant, thus same stands dismissed. Papers be tagged with main file bearing CIS No.NDPS/102/2023.

Pronounced.

Dated :-13.09.2023.

Jagjit Singh Panesar, Stenographer-I

(Vikrant Kumar)

Judge, Special Court

Moga (UID No.PB00213).