

IN THE COURT OF TARNTARAN SINGH BINDRA,
(UID No. PB0199)
JUDGE, SPECIAL COURT, JALANDHAR.

CIS No.	BA 1682/2024
CNR	PBJL01-005274-2024
DATE OF INSTITUTION	08.04.2024
DATE OF DECISION	16.04.2024

Mohammad Ashraf son of Rehmat Tula, resident of Mandir Galla Dhar Sakri P.S. Kot Ranka, District Rajori, Jammu and Kashmir.

.....Accused/applicant.

Versus

State

FIR No.06 dated 19.01.2023
U/S 15/61/85 NDPS Act
Police Station Maqsudan, Jalandhar.

First Application under Section 439 Cr.P.C.

Present: Sh.Abhinav Nanda, Advocate for the accused/applicant.
Sh.R.S.Makkar, Additional Public Prosecutor for State.

O R D E R

The brief facts of the case, which require consideration for disposal of the present bail application are that on 19.01.2023, SI Sarabjit Singh along with fellow police officials was present at Police Station where he received a secret information that Mohammad Ashraf (accused-applicant) truck driver by profession was coming from Jammu & Kashmir and was bringing poppy husk in heavy quantity in his truck bearing registration no.JK-02-AA-3215 underneath the apple boxes. It was also informed that the said person was coming from the side of village Waryana, Kapurthala Road and if a raid be conducted, he can be caught red handed. Finding the information reliable, a case was registered against

accused-applicant under Section 15 of NDPS Act. Thereafter, a nakabandi was held at the disclosed place and a truck bearing registration no.JK-02-AA-3215 was seen coming from Waryana side. On seeing the police party, the driver tried to speed up his truck, but he was apprehended by the police party on the basis of suspicion. On asking, he disclosed his name as Mohommad Ashraf son of Rehmat Tula, resident of Mandir Galla Dhar Sakri P.S. Kot Ranka, District Rajori Jammu and Kashmir (hereinafter called as accused). On search, 16 white colour bags of poppy husk were got recovered underneath the apple boxes from the truck of accused. On weighing, 15 bags were found to be containing 20 kilograms poppy husk each and one bag was found containing poppy husk weighing 10 kilograms i.e. 310 kilograms. The accused is in custody since 19.01.2023, which necessitated the filing of the present bail application.

2. Notice of the present bail application given to respondent/ State. Ld. Additional Public Prosecutor appeared on behalf of respondent/ State and contested the present bail application.

3. I have heard learned counsel for the accused/applicant and learned Additional Public Prosecutor for the State and have gone through the police record.

4. From the perusal of record, it transpires that report of FSL with respect to contraband recovered from the accused-applicant, has already been received. As per said report, the recovered contraband from the possession of accused-applicant falls within the commercial quantity.

5. Resultantly, the accused-applicant is not entitled for release on bail in view of the bar created under Section 37 of the NDPS Act.

Hence, this court does not deem it appropriate to release the accused-applicant on bail and the same stands dismissed. File be consigned to the Record Room.

Dated:16.04.2024
Sushma*/JW

(Tarntaran Singh Bindra)
Judge, Special Court,
Jalandhar. (UID No. PB0199)