

**IN THE COURT OF SH.DEVINDER KUMAR GUPTA, JUDGE
SPECIAL COURT, BARNALA. (UID NO. PB00520)**

BA no.141 of 2023
CNR No. PBBR01-000451-2023
Decided on.06.02.2023

Ravinder Singh alias Kulcha alias Sony son of Harbans Singh resident of village Thulliwal, Tehsil and District Barnala.

.....Accused/applicant.

Versus.

State of Punjab

.....Respondent.

FIR No. 45 dated 04.07.2021
U/s.22,61/85 of NDPS Act
P.S. Thulliwal.

Second Bail application under Section 439 Cr.P.C.

Present: Smt. Anu Sharma, Advocate counsel for accused/applicant.
Sh. Dilpreet Singh, Addl. PP for the State.

ORDER:-

1. This order of mine shall dispose of above mentioned **second bail** application moved by accused/applicant Ravinder Singh alias Kulcha in the above noted case for grant of regular bail under section 439 Cr.PC.
2. Notice of bail application was issued to the State and learned Addl. PP for the State has put in appearance.
3. I have heard the learned Counsel for accused/applicant, learned Addl. PP for the State and also perused the main trial file.
4. Succinctly stated as per the prosecution version, on 04.07.2021, Inspector Baljit Singh along-with other police officials in connection with patrolling and checking of suspected persons were present at Bus Stand Thulliwal. It was about 10:40 AM, then he has received a secret information that Ravinder Singh alias Kulcha present accused/applicant is habitual of selling

the intoxicant tablets from outer state. Today also he is coming from village Guram in order to sell the intoxicant tablets. If naka be laid at the disclosed place then he could be could be apprehended along-with intoxicant tablets. As the information was credible, hence, ruqa was sent and on the basis of this secret information, present FIR was got registered against the accused. Then further investigation in the present case was carried out by SI Satpal Singh.

During the patrolling and nakabandi SI Satpal Singh along-with other police party has apprehended accused Ravinder Singh alias Kulcha and from the plastic envelop carried by the said accused 1000 loose intoxicant tablets were recovered and he was arrested in the present case.

The alleged intoxicant tablets allegedly recovered were sent to the FSL. As per report of FSL, the contents of the said tablets were found to be **“Tramadol Hydrochloride”**. After conclusion of investigation, challan has been presented against the accused.

5. Learned counsel for the applicant/accused has vehemently contended that the accused has been falsely implicated in this case. The prosecution allegations are totally false and frivolous. False recovery has been planted upon the accused/applicant. The accused/applicant is in custody since 04.07.2021. She further submitted that conclusion of trial will take long time and no useful purpose would be served by detaining the accused/applicant further behind the bars. The accused/applicant will abide by all the terms and conditions as imposed by this Court. Learned counsel further submitted that the accused/applicant has been suffering from

Hepatitis B and also found HIV positive and requires specialized treatment. Lastly, a prayer for grant of regular bail to the accused/applicant has thus, been made.

6. On the other hand, learned Addl. PP for the State has opposed the bail application on the ground of gravity and seriousness of the allegations and further submitted that the recovery effected in the present case falls within commercial category as such, the accused/applicant is not entitled for regular bail. He further argued that the earlier regular bail application of the present accused has already been dismissed by this court vide order dated 31.05.2022 and after the rejection of the earlier bail application on merits by this court, there is no material change in circumstances of the present case. Lastly, a prayer for dismissal of the bail application has thus, been made.

7. After giving thoughtful consideration to the rival contentions and after going through the record, this court is of the considered view that the instant bail application deserves dismissal. As per prosecution allegations, 1000 loose intoxicant tablets were recovered from the accused/applicant in the present case. As per report of FSL, the contents of the said tablets were found to be **“Tramadol Hydrochloride”**.

Further, the average weight of each tablet is 408.25 mg, thus the total weight of 1000 tablets would come to $408.25 \times 1000 = 408.25$ grams. Thus, the alleged recovery falls within the category of commercial quantity. The stringent provisions of Section 37 of NDPS Act are attracted to this case. At this stage the Court cannot say that the accused/applicant is

innocent or that he will not indulge in such activity in future. The allegations against the accused are well founded at this stage. Further, earlier regular bail application of the present accused has already been dismissed by this court vide order dated 31.05.2022 and after the rejection of the earlier bail application on merits by this court, there is no material change in circumstances of the present case.

The present bail application has been moved on the basis that the accused has been suffering from Hepatitis B and also found HIV positive and requires specialized treatment, however, as the recovery of contraband effected from the accused/applicant is commercial in nature and this fact alone do not warrant this Court to grant of bail to the applicant/accused, however, considering the averments made in the bail application, the Jail Authorities are directed that in case they receive any request from the accused or his family members for providing any treatment or medical assistance or medicine, they should comply with such request, if found reasonable. It is further clarified that the above said medical assistance would also include taking him to the concerned hospital for getting him admitted if need be. Hence, in these circumstances, without commenting anything on the merits of the present case, the instant bail application is dismissed. Copy of the order be sent to the concerned Jail Superintendent, for information and necessary action. Papers be tagged with the trial file.

Pronounced:
February 06, 2023

(Devinder Kumar Gupta)
Judge, Special Court,
Barnala, (UID No.PB00520)

Rajiv Kumar
JW/I

BA no. 141 of 2023
CNR No. PBBR01-000451-2023

Ravinder Singh Vs. State

Present: Smt. Anu Sharma, Advocate counsel for accused/applicant.
Sh. Dilpreet Singh, APP for the State.

Today learned Additional Public Prosecutor for the State has put an appearance on behalf of the State.

Record of main trial file perused. Arguments on the bail application heard. Vide my separate detailed order of even date, the bail application is dismissed. Copy of the order be sent to the concerned Jail Superintendent, for information and necessary action. Papers be attached with main trial file.

Pronounced:
February 06, 2023

(Devinder Kumar Gupta)
Judge, Special Court,
Barnala, (UID No.PB00520)

Rajiv Kumar
JW/I