

**IN THE COURT OF Ms.SANJEETA,
JUDGE SPECIAL COURT,
BATHINDA (UID: PB-0177).**

CRN. No.PBBT01-003570-2020.
CIS No. BA-1437 of 2020.
Decided on:10.09.2020.

State	Versus	1. Harnaib Singh son of Sh.Mukhtiar Singh, resident of vill.Nangla, Distt. Sangrur. 2. Rajwinder Singh son of Sh.Krishan Singh, resident of H.No.460, Street No.4, Dhobiana Basti, Bathinda(now confined at Central Jail, Bathinda).
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.....Applicant/accused.

FIR No.186 of 26.10.2019.
U/S 15, 25 of NDPS Act.
Police Station: Sadar (Bathinda).

Bail Application Under Section 439 Cr.P.C.

Present: Sh.H.S.Khara, Counsel for applicants/accused.
Sh.Amarjit Syal, Addl. PP for the State.

ORDER

1. This order of mine shall dispose of first regular bail application moved on behalf of applicant/ accused under Section 439 Cr.P.C. in the above noted case.
2. Notice of the bail application was given to Addl. PP for the State, who has opposed bail application.
3. Learned counsel for the applicants/ accused has vehemently contended that accused/ applicants have been falsely implicated in the

alleged crime. Accused were arrested on 26.10.2019 and since then, they are in custody. So, he has prayed for the acceptance of bail application.

4. On the other hand, learned Addl.PP for the State has opposed this bail application alleging that the recovery effected from the accused/ applicant fall within the ambit of commercial quantity, so the applicant do not deserve the concession of bail.

5. I have considered the arguments of learned counsel for the applicant/ accused as well as learned Addl.PP for the State. Challan has already been presented in this court. Record perused.

6. As per the story of the prosecution, 26.10.2019, accused Harnaib Singh, Pappu Singh and Rajwinder Singh were arrested while sitting in a truck bearing No.PB-11CF-3189. From the search of truck, two sacks containing 30 Kgs. poppy husk in each and the third sack containing 20 Kgs.poppy husk i.e. total 80 Kg. poppy husk, were recovered. Challan has already been presented in the court and the charge has been framed on 7.3.2020. The recovery effected from the applicant/ accused falls within the ambit of commercial in nature quantity.

7. According to Section 37 of NDPS Act, 1985, no person or accused of an offence punishable for offences involving commercial quantity, shall be released on bail, unless the court is satisfied that there are reasonable ground for believing that he is not guilty of such offence

and that he is not likely to commit any offence while on bail.

8. In the present case also, there are no reasonable grounds for believing that accused/ applicants are not guilty of such offence attributed to them and they are not likely to commit any offence, while on bail. Consequently, in view of Section 37 of NDPS Act, 1985, the bail application moved by applicants/accused is hereby dismissed. Record of the present bail application be tagged with the connected papers.

Pronounced in the Open Court:
Dt.10.06.2020.

(Sanjeeta),
Judge Special Court(D),
Bathinda (UID:PB0177).

Kulwinder Singh,
Stenographer-II.

CRN. No.PBBT01-003570-2020.
CIS No. BA-1437 of 2020.

State Vs. Harnaib Singh and another

Present: Sh.H.S.Khara,Counsel for applicants/accused.
Sh.Amarjit Syal, Addl. PP for the State.

Arguments heard on the bail application. Vide my separate and detailed order of even date, the bail application has been dismissed. Record of the present bail application be tagged with the connected papers.

Pronounced in the Open Court:
Dt.10.06.2020.

(Sanjeeta),
Judge Special Court(D),
Bathinda (UID:PB0177).

Kulwinder Singh,
Stenographer-II.