

CNR No.PBSG01-003654-2020

BA/1596/2020

Mithu Singh aged about 31 years son of Gurmeet Singh @ Meeta R/o.Village Samundgarh Chhanna, P.S. Sadar, Dhuri, District Sangrur (now confined in District Jail Sangrur).....Accused-applicant	Vs.	State
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Application U/s. 439 Cr.P.C. for grant of regular bail to the applicant till the final disposal of the case.

in

F.I.R. No.33 of 14.02.2019

under Section 22/29/61/85 of ND&PS Act , P.S. Sadar Dhuri.

Present: Sh. S.S. Bassi, Advocate for the applicant.
Sh. Savinder Saini, Addl. P.P for the State.

ORDER:

1. File put up before me being duty Judge during threat of spreading COVID-19. Vide this application, accused-applicant has sought regular bail till final decision of the case in the above note case FIR

2. It has been averred in the application the accused-applicant is a law abiding citizen and has not committed any offence at all. The applicant has been falsely implicated in the present case. Earlier the applicant was granted interim bail by the Court of Sh. Sumit Ghai, Judge, Special Court, Sangrur vide order dated 29.03.2019 and on 09.12.2019, at the time of presentation of challan the Hon'ble Court confined the applicant at District Jail Sangrur. Hence, the applicant is in judicial custody since 09.12.2019. Ld. counsel for applicant further argued that no useful purpose would be served by keeping the accused behind the bars for indefinite period and prayed for releasing the accused-applicant on on bail till the final decision of the case.

3. Per contra, Ld. Addl. P.P. for State present in the court opposed the bail application on the ground that 6100 intoxicant tablets were recovered

from the accused which falls within the commercial quantity and therefore, Section 37 of NDPS Act will operate and has prayed that the application being devoid of merit be dismissed.

4. Rival contentions of both the sides have been heard and case file perused with due care and circumspection.

5. Original file perused which reveals that accused has been charge sheeted for having been kept 6100 intoxicant tablets in his conscious possession and case/challan is pending against the accused for prosecution evidence in the court of Ms. Smriti Dhir, Ld. Judge, Special Court Sangrur. Therefore, accused-applicant has prima facie committed an offence punishable U/s.22 of NDPS Act and the recovery of above said tablets falls under commercial/heavy recovery. According to Section 37 of the ND&PS Act, a person carrying commercial narcotic contraband cannot be released on bail until the Court is of the opinion that he is not guilty of such offence and that he is not likely to commit any offence while on bail. As far as the contention of ld. counsel for accused that earlier accused-applicant was on interim is concerned is of no consequence because accused was granted interim subject to receipt of chemical report. Thus, according to Section 37 of ND&PS Act, 1985, the accused/applicant is not entitled to **regular bail** and accordingly, the bail application is hereby ***dismissed***. File of bail application along with original file be sent to the concerned court.

Announced in open Court.
Date:09.06.2020

(Poonam Bansal)
Judge, Special Court,
Sangrur. UID No.PB-0190

Parminder Stenographer - II