

In the court of Sh. Kewal Krishan, Judge Special Court, Patiala.

Case Type	Bail Application
Date of Institution	3.6.2019
Date of registration	4.6.2019
CIS No.	BA/1599/2019
CNR No.	PBPT 010101472019
Date of Decision	11.6.2019

Sukhvir Singh aged about 33 years son of Sh. Labh Singh, resident of village Shadipur Momian, Tehsil Patran, District Patiala, now resident of Mahesh Nagasr, Patran, District Patiala,

..Applicant-accused

Vs.

State of Punjab

.... Respondent

FIR No.48 iof 18.3.2019

Under Section 22 the Narcotic Drugs and Psychotropic Substances Act, 1985,
P.S. Patran, District Patiala,

Present: Sh.Gurchain Singh Aulakh Adv. Counsel for the applicant-accused.
Shri Vishal Khullar Id. Addl. P.P for the State with ASI Jagan Nath.

Order:

1. The accused/applicant has filed bail application under Section 439 Cr.P.C for regular bail. ASI Jagan Nath produced th record.
2. Arguments are heard. Learned counsel for the accused has argued that accused-applicant is an innocent and the police has foisted false recovery on him, whereas no recovery has been effected from him. The allegations as alleged in the FIR against the applicant/accused are totally false and without any base. The applicant is in custody since 18.3.2019 and no

useful purpose would be served by detaining him more in custody. Presentation of challan shall take some time and conclusion of trial will take long time. The applicant undertakes to abide by the conditions, if imposed by this Court. Thus, concession of bail may be granted to the applicant.

3. Upon notice, learned Addl. PP for the State has hotly contested the application on the ground that the recovery in this case is heavy i.e. 1395 intoxicants tablets. In this case, the report of chemical is yet to be received from the FSL and made prayer for dismissal of the same.

4. This Court has heard the learned counsel for the applicant, learned Addl. PP for the State and perused the record. In this case, the applicant-accused was found in possession 1395 intoxicants tablets. ASI Jagan Nath has brought the police record. The recovery made in this case is very heavy and without obtaining the report of FSL, it cannot be said that it is a case of non commercial or commercial quantity.

5. Hon'ble Punjab and Haryana High Court has held in '**Jagtar Singh v. State of Punjab**' [2013\(3\) R.C.R.\(Criminal\) 582](#) (Law Finder Doc Id # 459045) that : '11. Moreover, it cannot possibly be denied that the tendency and frequency of selling of narcotic drugs, in order to earn easy money and spoiling the basic fabric of our society in Punjab has been tremendously increasing day by day, which needs to be curbed with heavy hands. Therefore, to me, the petitioner is not entitled to the concession of regular bail in the obtaining circumstances of the case.' The offence relating to narcotic substance is having very negative effect on the society and controlling this offence is necessary.

6. The allegations against the accused are well founded at this

stage and there is no ground to grant the concession of bail to the accused/applicant. Therefore, his bail application deserves dismissal and the same is dismissed. The applicant-accused is at liberty to file fresh bail application as and when the report of FSL is received. File be attached with the remand papers.

**Pronounced in open Court,
On 11.6.2019.**

Typed by: Narinder Sharma

Stenographer- Grade I

**(Kewal Krishan)
Judge, Special Court,
Patiala.**

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Present: Sh.Gurchain Singh Aulakh Adv. Counsel for the applicant-accused.
Shri Vishal Khullar Id. Addl. P.P for the State with ASI Jagan Nath.

ASI Jagan Nath has produced the record, whose separate statement is also recorded. Arguments heard and vide my separate detailed order of even date, the bail application has been dismissed. File be attached with the remand papers.

**Pronounced in open Court,
On 11.6.2019.**

Typed by: Narinder Sharma
Stenographer- Grade I

**(Kewal Krishan)
Judge, Special Court,
Patiala.**

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