

Goldi Paliwal Vs. State of Punjab
BA No.232 of 2023
CNR No.PBPT01-00877-2022

FIR No.248 dated 19.10.2022
U/s 22/61/85 of NDPS Act.
Police Station: City Rajpura.

First application for bail under Section 439 CrPC.

3.3.2023:

Present: Sh.Ashu Sharma, Advocate for applicant-accused, namely,
Goldi Paliwal,
Sh.Vikas Garg, learned APP for the state with ASI
Darshan Singh.

Order :

Report of FSL received. The accused/applicant has filed the instant application under Section 439 of the Code of Criminal Procedure. ASI Darshan Singh has suffered statement that no bail application of the applicant regarding the present FIR is pending before the Hon'ble High Court, nor any bail application regarding this applicant has been decided by this Court.

Arguments heard. Learned counsel for the accused has argued that accused-applicant is innocent and the police has falsely implicated him in this case. The applicant is in judicial custody since 19.10.2022. Nothing is to be recovered from him. Moreover, the conclusion of trial will take long time and no useful purpose would be served by detaining him any more in custody. The applicant undertakes to abide by the conditions, if imposed by this Court and as such, he may kindly be granted concession of bail.

On the other hand, learned APP for the State has hotly contested the application on the ground that it is a case of recovery of commercial quantity intoxicating substance and the provisions of Section 37 of the NDPS Act are attracted. Thus, the applicant is not entitled to concession of bail.

This Court has heard learned counsel for the applicant, learned PP for the State and perused the record.

As per prosecution version, the present case relates to recovery

of 34000 intoxicating tablets i.e. 7000 Tramadol Prolonged Release, 6600 Alprazolam tablets IP 0.5 MG Alprazole-0.5 and 20400 Alprazolam tablets IP 0.50 MG Alprazole-0.5, allegedly made from the conscious possession of the applicant. As per FSL report, ingredients detected in parcels were Tramadol Hydrochloride and Alprazolam i.e. in parcel (1) relating to 7000 tablets the average weight of tablets is 369 mg/tablet i.e. (total weight 7000 X 369 Mg/capsule / 1000 = 2583 grams); in parcel (2) relating to 6600 tablets the average weight of tablets is 118 mg/tablet i.e. (total weight 6600 X 118 Mg/tablet / 1000 = 778.8 grams) and in parcel (3) relating to 20400 tablets the average weight of tablets is 119 mg/tablet i.e. (total weight 20400 X 119 Mg/tablet / 1000 = 2427.6 grams) and thus total weight of recovered contraband is 2583 + 778.8 + 2427.6 = 5789.4 grams. It is a case of commercial quantity and the stringent provisions of Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985, are attracted.

Therefore, keeping in view above detailed discussion, this Court is of the considered view that the applicant is not entitled to get concession of bail. Therefore, his application for regular bail is dismissed.

Record of investigation be returned. File of this bail application be attached with the remand papers.

**Pronounced in open Court,
On 3.3.2023.**

**(Muneesh Arora)
Judge Special Court,
Patiala.
(UID No.PB00135)**

**Typed by Brijinder Batish
Stenographer-II**