

PBBT010005682020



Presented on : 17-01-2020
Registered on : 17-01-2020
Decided on : 23-01-2020
Duration : 0 years, 0 months, 6 days

***IN THE COURT OF SH. MOHAMMAD GULZAR,
JUDGE SPECIAL COURT,
BATHINDA
(UID PB-0063)***

***CNR No.PBB-T01-000563-2020.
CIS BA-163 of 2020.
Decided on 23.1.2020.***

State versus Resham Singh @ Reshu son of Gurmail Singh,
resident of village Lehri, tehsil Talwandi Sabo,
District Bathinda.
.....Applicant-accused.

***FIR No.257 dated 9.11.2019,
Under Section 21 of ND&PS Act,
Police Station Civil Lines, Bathinda.***

Bail Application U/S 439 Cr.P.C.

Present: Sh.S.P. Gupta, Advocate, counsel for applicant.
Sh.H.S.Gill, Addl.P.P.for State.

ORDER

¶ This order of mine shall dispose of an application under Section 439 Cr.P.C., moved on behalf of aforesaid applicant, in case FIR No.257 dated 9.11.2019, Under Section 21 of ND&PS Act, Police

*Mohammad Gulzar
Judge Special Court PB-0063*

Station Civil Lines, Bathinda.

2. FIR was registered on the allegations that on 9.11.2019, the accused-applicant Resham Singh @ Reshu and his co-accused Gurpreet Singh were apprehended by ASI Avtar Singh in the area of Ring Road, Bathinda and recovered 300 gm. Intoxicant powder from them.

3. Notice of bail application was issued to the State. Police record was requisitioned and received.

4. It was contended by the learned counsel for the applicant that the applicant is in custody since 9.11.2019. The recovery has already been effected and nothing is to be recovered from him. The accused-applicant is liable to be released on bail.

5. On the other hand the learned Additional PP has contended that in view of the heavy quantity of the recovered contraband, the accused-applicant is not entitled to be released on bail.

6. I have considered the aforesaid contentions raised by the learned counsel for the applicant and the learned Additional PP for the State and have gone through the police record.

Mohammad Gulzar
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7. As per the case of prosecution 300 gram intoxicant powder was recovered from the conscious possession of accused-applicant. As per the report of FSL, substance Tramadol Hydrochloride was found in the intoxicant powder. The **commercial quantity** of the substance **Tramadol Hydrochloride** would start from **250 gram**. The recovery in this case is **300gm** intoxicant powder. As such it would be covered under the commercial bracket as per the table annexed to NDPS Act. Accordingly, the bail application is dismissed in view of bar pertaining to bail in case the recovery of commercial quantity of contraband as mandated in Section 37 of the Act. Police record be returned. This file be attached with the remand papers.

Pronounced
Dated:23.1.2020
(Suman)

(Mohammad Gulzar),
Judge Special Court,
Bathinda
(UIDPB0063)

Mohammad Gulzar
Judge Special Court PB-0063