

**IN THE COURT OF HARDIP SINGH
VACATION JUDGE/JUDGE SPECIAL COURT
FEROZEPUR.**

**CNR No.PBFZ0100-4321-2023
CIS No. BA/1617 of 2023
Date of Order: 27.06.2023**

Om Parkash aged 25 years son of Balbir Singh @ Balvir Singh,
resident of village Mohan Ke Uttar, Tehsil Guruharsahai, District
Ferozepur.

... Applicant/Accused.

Versus

State of Punjab.

.....Respondent.

FIR No.29, dated 24.02.2023
U/s 22/61/85 of NDPS Act and lateron added
Section 29 of NDPS Act
Police Station Mamdot.

(Application for bail under Section 439 of Cr.P.C)

Present: Sh. Bipan Kumar Wadhawan, Advocate, counsel for
applicant/accused.
Sh. Karan Dhingra, Additional Public Prosecutor for the
State.

O R D E R

1. Bail application put up before the undersigned being the
Vacation Judge.
2. Heard on the bail application filed by applicant/accused
Om Parkash, under Section 439 of Cr.P.C, pertaining to FIR No.29,

dated 24.02.2023, under section 22/61/85 of NDPS Act and later on added section 29 of NDPS Act, Police Station Mamdot.

3. Learned counsel for the applicant/accused has argued and contended that applicant/accused has been falsely implicated in this case. He is not named in the FIR and he has been nominated later on the statement of co-accused Juj son of Gurnam Singh. Nothing has been recovered from him. Mandatory provisions of NDPS Act have not been complied with. The applicant/accused is behind bars since 28.02.2023 and is no more required by the police. Hence, prayer has been made for grant of regular bail.

4. Notice of the bail application was given to the State, through learned Additional Public Prosecutor for the State, who appeared and opposed the present bail application on the ground that though the name of the applicant/accused is not mentioned in the FIR, but during interrogation co-accused Juj has disclosed that the present applicant/accused is also involved with him in sale of intoxicant tablets. As such applicant/accused is nominated in the present case. Moreover, the recovery effected in this case falls under commercial quantity as per report of Chemical Examiner. As such, applicant/accused is not entitled for bail.

5. ASI Rajesh Kumar has also appeared alongwith record and suffered a statement that accused has neither filed bail application before Hon'ble Punjab & Haryana High Court, Chandigarh, nor the same is pending in any superior court of law. This is the first regular bail application of accused. Recovery in this case is 50025 tablets i.e. 24525 tablets of Alpracan, 9500 tablets of Tramadol HCL, 4000 tablets of Tramadol HCL and 12000 tablets of Covidol and offence under section 29 of NDPS Act has been added in this case after registration of FIR vide DDR No. 33 dated 24.02.2023.

6. Heard. Perusal of the file shows that the present FIR has been registered against the co-accused/non-applicant Juj Singh on the basis of secret information that he is indulged in sale of intoxicant tablets. Lateron during investigating Juj Singh was arrested and recovery of 50025 tablets i.e. 24525 tablets of Alpracan, 9500 tablets of Tramadol HCL, 4000 tablets of Tramadol HCL and 12000 tablets of Covidol has been effected from him. Though the applicant/accused is not named in the FIR, but perusal of the record shows that co-accused Juj Singh has suffered a statement that the present applicant/accused was also involved with him through mobile phone in sale of the recovered intoxicant tablets. As such, the name of applicant/accused has surfaced in this case. Moreover, report of FSL has already been

received in this case, according to which, the recovered tablets i.e. 24525 tablets of Alpracan contain 3578.49 grams of salt Alprazolam, \ 9500 tablets of Tramadol HCL contain 3056.91 grams of salt Tramadol HCL, 4000 tablets of Tramadol contain 1269.64 grams of salt Tramadol salt Tramadol HCL and 12000 tablets of Covidol contain 3005.28 grams of salt Tramadol Hydrochloride. The recovered quantity of salts fall under the category of commercial quantity and as per section 37 of the NDPS Act, there is bar on granting regular bail in such cases. Accordingly, the applicant/accused is not entitled for regular bail and the present bail application moved by the applicant/accused stands dismissed and disposed of. Anything stated in this order shall have no bearing on the merits of the case in any manner. File be attached with the remand papers/consigned to the record room.

Announced in open Court.

Dated: 27.06.2023

Pritpal Singh

Stenographer Gr. II

Sd/-

(Hardip Singh)

Vacation Judge/Judge, Special Court,
Ferozepur.

UID No.PB0638