

IN THE COURT OF RAKESH KUMAR

UID No. PB-0138

JUDGE SPECIAL COURT

KAPURTHALA

CNR No.
PBKP010048792022



Case No. BA/2002/2022

Presented on : 11-10-2022

Registered on : 11-10-2022

Decided on : 15-11-2022

Jaspal Singh @ Jassa, s/o Manohar Lal, aged about 32 years, r/o Rurkhi
Khas, Samundra, Police Station Garshankar, District Hoshiarpur.

.... Applicant/accused.

Versus

State of Punjab.

..... Respondent.

FIR No.66 of 31.08.2022,

U/s 18 of NDPS Act, 1985,

Police Station – Sadar Phagwara.

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

Present: Sh.Lokesh Narang, Advocates for the applicant/accused.

Ms.Aarti Mehta, Addl. Public Prosecutor for the State.

O R D E R

Record perused. **Arguments have been heard** on
regular bail of above referred applicant/ accused namely Jaspal Singh
@ Jassa in the above referred FIR, who is stated to be in custody
since 31.08.2022.

2. Briefly, the prosecution allegations to the present case are that recovery of 02 Kg 600 Gm of Opium was effected from the present applicant/ accused on 31.08.2022, in the area of Police Station Sadar Phagwara. Now, the applicant/ accused is in custody in the present case since 31.08.2022 has sought his regular bail.

3. The learned counsel for the applicant has argued that the report of chemical examiner is yet to be received. He has been falsely implicated in the present case. The sufficient period of his custody has already been passed. The presentation of challan and the conclusion of trial will take long time. He could not be detained for indefinite period. Therefore, he is entitled to the concession of regular bail.

4. On the other hand, the learned Addl. PP for the State has replied that though the applicant is in custody since 31.08.2022, but there are serious allegations against the applicant in the present case as commercial quantity of contraband has been recovered. Therefore, he is not entitled to the concession of regular bail.

5. I have heard the submissions made by learned counsel for the applicant/ accused and learned Additional Public Prosecutor for the State.

6. Admittedly, the applicant is in custody in this case since 31.08.2022, but the point to be considered here is that the alleged recovery of contraband is 2 kg 600 gm of Opium, is the commercial quantity of that contraband, which was recovered in the present case. The said act of the applicant/ accused does not warrant to give him the

concession of regular bail, rather to grant regular bail to him gives a wrong signal to the society. Moreover, though the report of chemical examiner is awaited, but admittedly, the alleged contraband was Opium.

7. Consequently, in view of the aforesaid facts and circumstances on record, the present regular bail application of the applicant/ accused Jaspal Singh @ Jassa is, hereby, declined and disposed off accordingly. However, any observation made herein shall not be construed to be an expression on merits of the case. It be appended with the concerned file of present FIR.

Pronounced in open Court.
Dated:15.11.2022.

Kaushal Kumar

(Directly dictated on computer)

(Rakesh Kumar)
Judge Special Court,
Kapurthala.
(UID No. PB-0138).