

‘Harjinder Singh etc. Versus State of Punjab’
FIR No.81 dated 23.12.2018.
Under Section 18/21 of NDPS Act, 1985 and Sec.25 of Arms Act, 1959.
P.S.Khalra.

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Present: Sh.Amritpal Singh Patti, Advocate for the accused-applicants.  
Ms.Ramneet Kaur, APP for the State.

This order of mine is aimed at disposal of an application under Section 439 Cr.P.C. filed on behalf of accused-applicants Harjinder Singh alias Hathori son of Partap Singh and Jora Singh son of Baj Singh who have come up with a prayer for their release on regular bail in respect of the captioned in which they claim to have been arrested on 4.7.2019.

On notice of the bail application, records have been produced before me. The present case has been registered on the basis of recovery of 17 Kgs. of Heroin in which the accused-applicants have been nominated as accused on the basis of statement made by one Gurmeet Singh whom the accused-applicants had disclosed that they were going to fetch delivery of Heroin from the border side. Later on these two accused also nominated their accomplice Gurlal Singh as an accused in this case on whose behalf a separate application under Section 438 Cr.P.C. for concession of anticipatory bail is also pending and fixed for today.

Keeping in view the quantum of recovery of Heroin to the extent of 17 Kgs. falling within the ambit of ‘Commercial Quantity’, the bar as created by Section 37 of the NDPS Act, 1985 gets attracted as a result of which the accused in the considered view of this court, do not deserve to be released on bail. Hence, bail application of the accused-applicants is hereby dismissed. Papers be consigned to record room.

Pronounced:  
04.10.2019.

(Charanjeet Arora)  
Additional Sessions Judge, Tarn Taran  
(UID No.PB0178)