

**IN THE COURT OF SANDEEP SINGH BAJWA,
ADDITIONAL SESSIONS JUDGE, SRI MUKTSAR SAHIB.
(UID Number PB0446)**

Case Type :BA	
Filing No.:2849/2023	Filing Date: 07.08.2023
Registration No.:1504/2023	Date of Registration:07.08.2023
CNR NO.:PBSM01-003586-2023	
Date of Decision 16.08.2023	

1. Jaswinder Singh alias Jassa, aged about 32 years, son of Jaswant Singh, resident of village Rai Ke Kalan, PS Nandgarh, District Bathinda,
2. Sonu Kumar, aged about 35 years, son of Guriya, resident of Mohalla Bentabad, near Railway Station, Tehsil Gidderbaha, District Sri Muktsar Sahib.

.... Applicants/Accused

Versus

State of Punjab

.... Respondent

FIR No.0108 dated 08.07.2023
Under Section 22-C, 29 NDPS Act
Police Station, City Sri Muktsar Sahib.

Bail application under Section 439 of Cr.P.C.

Present: Shri Pawan Sharma, Advocate for applicant s
Shri Yogesh Kasrija, Additional Public Prosecutor for State

ORDER

This order will dispose off an instant bail application moved on behalf of abovesaid applicant U/s 439 Cr.P.C in aforementioned case FIR.

2. Briefly stated, on 08.07.2023 in the area of PS City Sri Muktsar Sahib, co-accused Satpal Singh alias Satta was found in conscious possession of 1000 tablets of Colovidol-100 SR, which they were carrying without any permit or license. Thereafter, during investigation, on the disclosure of aforementioned accused, Jaswinder Singh and Sonu Kumar have been nominated as an accused and offences under section 29 of NDPS Act has also been enhanced.

3. Notice of the bail application was given to state and record was also summoned.

4. It is argued by the learned counsel for the applicants that applicants are innocent. Applicants have not committed any offence as alleged in the FIR and nothing was recovered from the applicants. It is submitted that otherwise also, applicants are named by co-accused, which is not admissible. It is submitted that applicants are in custody since 08.07.2023. It is submitted that presentation of challan and conclusion of trial would take time, as such, no useful purpose would be served by keeping the applicants behind the bars for indefinite period. Therefore, it is prayed that the applicants may kindly be granted the concession of regular bail.

5. Per contra, learned Additional Public Prosecutor for the State has argued that in the present case the recovery comes within the ambit of commercial quantity, due to which Section 37 of NDPS Act is applicable. Ld. Addl. PP for the state while relying on the technical opinion of Drug Controller, has argued that quantity of recovered contraband is commercial in nature as such it attracts section 37 of the NDPS Act and prayed for dismissal of the bail application.

6. I have heard the rival contentions and have perused the record.

7. As per the version of prosecution, on 08.07.2023 in the area of PS City Sri Muktsar Sahib, co-accused Satpal Singh alias Satta was found in conscious possession of 1000 tablets of Colovitol-100 SR, which they were carrying without any permit or license. Thereafter, during investigation, on the disclosure of aforementioned accused, Jaswinder Singh and Sonu Kumar have been nominated as an accused and offences under section 29 of NDPS Act has also been enhanced.

8. It is contended by the learned Additional P.P. for the State that

investigation is in progress and recovery of aforementioned tablets, which allegedly contain salt Tramadol Hydrochloride falls in the category of commercial quantity and as such, applicants-accused are not entitled to the regular bail. Ld. Addl. P.P. for the state assisted by IO also produced the report obtained from Drugs Control Officer, Sri Muktsar Sahib, wherein, it is reported that average weight of one tablet is 410 mg approx. and total weight of 1000 tablets is 410 grams and it is stated that it is above commercial quantity.

9. It is also contended by the learned Additional P.P. for State assisted by IO that co-accused has purchased the said tablets from applicants-accused and he further used to sell the same to addicts and applicants along with other co-accused are responsible for destroying the youth of Punjab. It is also contended that even if no recovery has been made from the applicants, but since they have conspired with the co-accused Satpal from whom recovery has been effected, for trafficking of narcotics, as such they are equally liable for the same punishment as that from person from whom recovery has been effected. It is also contended that investigation qua involvement of other persons is yet under way. It is mainly contended by the learned Additional P.P. for the State that allegations against the applicants-accused are grave and serious in nature and in case, applicants are allowed bail, then there is every likelihood that they would hamper the ongoing investigation. Thus, in view of grave and serious allegations and in view of the fact that recovery in this case is huge, this court fully concurs with the argument put forth by the learned Additional P.P. for the State.

10. Thenceforth, keeping in view the recovery of huge quantity and

in view of the gravity and seriousness of the offences, the instant bail application sans merit and is hereby dismissed. However, it is made here clear that observation made herein above shall not be construed as an expression on the merits of the main case. Record be returned forthwith. Bail application file be tagged with remand papers.

Announced: 16.08.2023

**(Sandeep Singh Bajwa),
Additional Sessions Judge,
Sri Muktsar Sahib.
(UID Number PB0446)**

Karamveer Singh, Stenographer Grade-II