

In the Court of Hardip Singh, Judge, Special Court, Ferozepur

CNR No.PBFZ0100-7260-2022

CIS No. BA/3045 of 2022

Date of Order: 31.10.2022

Karnail Singh aged 59 years son of Sadha Singh, resident of village Pir Mohammad, Tehsil Zira, District Ferozepur.

... Applicant/Accused.

Versus

State of Punjab.

....Respondent.

FIR No.161, dated 17.09.2022

U/s 21/61/85 of NDPS Act &

Section 29 of NDPS Act added lateron

Police Station Makhu

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

Present: Sh. Jobanjeet Singh, Advocate, counsel for applicant/
accused.
Sh. Keemat Singh, Additional Public Prosecutor for the
State.

O R D E R

1. Heard on the bail application filed by applicant/accused Karnail Singh, under section 439 of Cr.P.C, pertaining to FIR No.161 dated 17.09.2022, under section 21/61/85 of NDPS Act and section 29 of NDPS Act added lateron, Police Station Makhu.

2. Learned counsel for the applicant/accused has argued and contended that false and baseless case has been registered against the applicant/accused. The alleged recovery has been planted upon the

applicant/accused. Mandatory provisions of NDPS Act have not been complied with. No offence is made out against the applicant/accused. He is in custody since 17.09.2022 and is no more required for further investigation. Hence, prayer has been made for grant of concession of regular bail.

3. 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 the applicant/accused has committed heinous crime by keeping 20 grams of Heroin without any permit or license. Besides this case, there are four one more FIRs registered against the applicant/accused, out of which one FIR is under NDPS Act. As such, applicant/accused is not entitled for bail. ASI Balwinder Kaur 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 the applicant/accused. Recovery in this case is 20 grams of heroin. Report of FSL is yet to be received. Offence under section 29 of NDPS Act has been added in this case after registration of FIR vide DDR No. 30 dated 30.09.2022. there are

four one more FIRs registered against the applicant/accused, out of which one FIR is under NDPS Act. List of the same is mark A.

4. Heard. Perusal of the file shows that present case has been registered against the applicant/accused as he was apprehended by the police party on the basis of suspicion and on his search, 20 grams Heroin was recovered from him. Admittedly, the applicant/accused is in custody since 17.09.2022 and the recovery has already been effected which is 20 grams Heroin, which falls under non-commercial quantity. Though learned Additional Public Prosecutor for the State has argued that there are four more FIRs against the applicant/accused including one FIR under NDPS Act, but said FIRs have no link with the present FIR. So, at this stage, nothing remains to be recovered from the applicant/accused. Investigating agency will take long time in filing challan in this court and further conclusion of the trial will also take time, therefore, no purpose will be served by further detaining the applicant/accused behind bars. As such, I deem it fit to release the applicant/accused on regular bail, subject to furnishing of bail bonds in the sum of Rs. 50,000/- with one surety in the like amount before the learned Illaqa Magistrate/Duty Magistrate, Zira/Ferozepur subject to its satisfaction, who will send the bail/surety bonds so furnished by the applicant/accused to this court after attestation. Accordingly, the

present bail application stands allowed and disposed of. Anything said in this order shall not affect the merits of the main trial in any manner. File be attached with the remand papers/consigned to the record room.

Announced in open Court.

Dated:31.10.2022

Pritpal Singh

Stenographer Gr. II

Sd/-
(Hardip Singh)
Judge, Special Court,
Ferozepur.
UID No.PB0638