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In the Court of Dharminder Paul Singla, Judge, Special Court,
Jalandhar [UID No.PB0083]

PBJL010120722023



BA/4584/2023

Presented on : 11-09-2023

Registered on : 11-09-2023

Decided on : 15-09-2023

Duration : 0 years, 0 months, 4 days

Mahesh Sharma aged about 41 year son of Sukhraj Sharma, resident of
House No.49, Gali No.11, Kaki Pind, Rama Mandi, District Jalandhar,
Punjab

.....Accused/Applicant

Versus

State of Punjab.

.....Respondent.

FIR No.119, dated 16.07.2023,
U/Sec. 21/61/85 of N.D.P.S. Act,
Police Station Sadar Jalandhar.

First Bail Application under Section 439 Cr.P.C.

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Present: Sh. Karan Kumar, Advocate, for the applicant/accused.  
Sh. Gurpreet Singh, Additional Public Prosecutor for the  
State alongwith SI Narinder Mohan.

### **ORDER**

1. This order of mine shall dispose of first application for  
regular bail under Section 439 Cr.P.C moved by accused/applicant

**Mahesh Sharma**, in case FIR No.119, dated 16.07.2023, for the offence

Dharminder Paul Singla,  
Judge, Special Court,  
Jalandhar./ Dt. 15.09.2023.

U/Sec. 21/61/85 of N.D.P.S. Act, Police Station Sadar Jalandhar, wherein he was allegedly apprehended with 5 gram of Heroin on 16.07.2023.

2. Learned counsel for the accused/applicant pressed for bail on the ground that the accused/applicant has been falsely implicated in the present case, because proper compliance of mandatory provisions of NDPS Act have not been made. He further pressed that the report of FSL has not yet been received and accused/applicant is entitled for bail.

3. Learned Additional Public Prosecutor opposed the bail application, though he has fairly conceded that the alleged quantity of heroin falls in non-commercial category.

4. I have heard the learned counsel for the accused/applicant, learned Addl.P.P for the State and have gone through the police record.

5. After hearing their respective submissions and perusal of record reveals the fact that as per the allegations, 5 gram Heroin was allegedly recovered from the accused/applicant when he was apprehended. The alleged quantity of Heroin falls in non-commercial category. Moreover, SI Narinder Mohan, who is present in the Court alongwith police record has stated at bar that in this case 10 gram of Heroin was recovered from the possession of co-accused Amit, whereas 05 gram heroin was recovered from the possession of applicant/accused Mahesh Sharma, when they intercepted while travelling on Tata Ace. He further stated that as per the record available with MHC and informed to him by MHC, no other case has been registered against the

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applicant/accused Mahesh Sharma and the present bail application is the first bail application. Completion of investigation, presentation of challan and conclusion of trial is likely to take long time. No useful purpose would be served by detaining the accused/applicant for an indefinite period as pretrial detention would never be considered in the interest of justice. Keeping in view these facts and circumstances of the case, the instant bail application is hereby allowed and accused-applicant **Mahesh Sharma** is ordered to be released on bail on his furnishing of bail bonds in the sum of Rs.30,000/- with one surety in the like amount to the satisfaction of this court. However, any observation given in this order shall not effect on merits of the main case. Attested copy of order be retained alongwith the remand papers by the Ahlmad of the Court, whereas bail application file be consigned to the Record Room after due compilation.

Pronounced:

Dated:15.09.2023

(Dharminder Paul Singla),  
Judge, Special Court,  
Jalandhar.[UID No. PB0083]

manjit singh\*\*

Dharminder Paul Singla,  
Judge, Special Court,  
Jalandhar./ Dt. 15.09.2023.