

**IN THE COURT OF RAVINDERJIT SINGH BAJWA,
JUDGE, SPECIAL COURT, AMRITSAR
(UID NO.PB0231)**

CNR No. PBAS010161032023



Case No. BA/5455/2023

Presented on : 08-09-2023
Registered on : 11-09-2023
Decided on : 19-09-2023

Rajbir Singh aged 28 years son of Kabal Singh, resident of village Bachiwind, P.S. Lopoke, Amritsar.

...Applicant.

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FIR No. 148 dated 17.08.2023.  
U/s. 21//29/61/85 of NDPS Act.  
Police Station Lopoke, Amritsar.

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First Bail Application Under Section 439 Cr.PC.

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Present : Shri CS Kad, Advocate  
counsel for the applicant/accused.  
Mrs. Neeraj Azad, Additional PP for the State.

**ORDER**

1. By this order, this Court intends to dispose of this 1<sup>st</sup> bail application under Section 439 Cr.PC having been filed by applicant Rajbir Singh.
2. Notice of the bail application was served upon the State

through learned Additional PP attached to this court alongwith copy of bail application, who received the same, appeared and contested the bail application on merits. Police record was also requisitioned which has been received and perused.

3. Applicant-accused has submitted that he is innocent and has been falsely implicated in the present case. That a recovery of 20 grams Heroin has been planted upon him which does not fall in the ambit of commercial quantity. It is argued that the applicant is ready and willing to abide by all the directions of this court if he is ordered to be released from judicial custody on bail where he is lodged since 17.08.2023. A prayer for allowing this application has been made.

4. On the other hand, learned Additional PP has opposed this bail application on the ground that allegations leveled against the applicant are serious in nature. A prayer for dismissal of bail application has been made.

5. I have heard the respective submissions of both the sides and carefully gone through the police file.

6. Perusal of the police file reveals that applicant was arrested on 17.08.2023 and recovery of 20 grams Heroin was effected from him

which recovery apparently does not fall within the ambit of commercial quantity of this contraband as has been reflected in the schedule appended with NDPS Act so the provision of section 37 of NDPS Act is not attracted in this case. The applicant is in judicial custody since 17.08.2023. No useful purpose would be served by keeping the applicant behind the bar as presentation of challan and conclusion of trial is likely to take considerable period. Accordingly, the instant bail application under Section 439 Cr.PC filed by the applicant stands allowed. He is ordered to be released on bail on his furnishing bail bonds in the sum of Rs. 50,000/- with one surety in the like amount to the satisfaction of this court subject to the following conditions :-

- A. That the applicant shall appear before the Trial Court on each and every date of hearing.*
- B. That the applicant shall not directly or indirectly induce or coerce any witness of prosecution so as to dissuade him from deposing as witness in the Court.*
- C. That the applicant shall not leave India without prior permission of the Court.*

Applicant/accused be intimated immediately about granting bail to him through Superintendent, Central Jail, Amritsar through E-mail. Police

record be returned and the file of this bail application be attached with the remand papers/challan file.

**Pronounced.  
19.09.2023**

**(Ravinderjit Singh Bajwa),  
Judge, Special Court,  
Amritsar (UID No.PB0231).**

**\*dalipkumar  
Stenographer Grade-I.**