

In the court of Sh. Kewal Krishan, Judge, Special Court, Patiala.

CIS No.	BA/3081//2020
CNR No.	PBPT 010091762020

FIR No. 169 dated 16.9.2020

Under Section 21 the Narcotic Drugs and Psychotropic Substances Act, 1985,
Police Station: Anaj Mandi Patiala,

Lovneesh Kumar @ Lovi, aged about 27 years son of Sh. Ashok Kumar, R/O
H.No.119, Ward No.7, Mohalla Naian Wala, Sanour, Patiala

....Applicant-accused

Versus

State of Punjab

.... Respondent

Second Application for bail U/s 439 Cr.P.C.

Present: Sh. Karandeep Sharma Adv. Counsel for the applicant-accused.

Sh. Vishal Khullar Id. Addl. P.P for the State along with SI
Balwinder Singh

The accused/applicant has filed this second application under Section 439 Cr.P.C. First application No.B.A.3040/2020 was dismissed as withdrawn on 26.10.2020. SI Balwinder Singh has produced the record.

Arguments are heard. Learned counsel for the accused has argued that the applicant is innocent and has been falsely implicated in this case. No recovery was affected from him. The applicant is in custody since 16.9.2020 and no useful purpose would be served by detaining him more in custody. Presentation of challan and conclusion of trial will take long time. The applicant undertakes to abide by the conditions, if imposed by this Court. Thus, concession of bail may be granted to the applicant.

Upon notice, learned Addl. PP for the State has hotly contested the application and submitted that the applicant is not entitled to get concession of bail.

This Court has heard the learned counsel for the applicant, learned Addl. PP for the State and perused the record. In this case, the recovery is of 90 grams Smack. It is a case of non-commercial quantity. Accused- applicant was arrested on 16.9.2020 and since then he is in custody. Conclusion of trial will take sufficient time and no useful purpose would be served by detaining the accused in custody. Co-accused Sajjan Kumar has already been granted bail in this case.

Keeping in view the above detailed discussion, this Court is of the considered view that the applicant is entitled to get concession of bail. Therefore, his bail application is allowed and the applicant is granted bail and he is ordered to be released from custody on furnishing his personal bond in the sum of Rs.1,00,000/- (One Lac) with one surety in the like amount. The applicant shall remain bound by the following conditions:-

- 1. That the applicant shall not leave the country without the prior permission of the Court;*
- 2. That the applicant shall not threaten the witnesses or tamper with the prosecution evidence in any manner;*
- 3. That the applicant shall regularly attend the hearings before the trial Court.*

Record of the bail application be attached with the remand papers.

**Pronounced in open Court,
On 3.11.2020**

Typed by: Narinder Sharma
Stenographer- Grade I

**(Kewal Krishan)
Judge, Special Court,
Patiala.
UID No. PB0182**