

**In the court of Sardar Harjeet Singh, Vacations Judge,
Moga. (UID No.PB0131)**

CIS No.BA/2737/2022
CNR No.PBMO010072752022
Date of Order:- 29.12.2022

Vicky son of Rajinder Kumar resident of House No.175, Ward No.29,
Angadpura Mohalla, Moga, District Moga.

....Accused/Applicant

Versus

State of Punjab

FIR No.243 dated 21.11.2022,
U/s 21/29/61/85 of NDPS Act ,
P.S. City South, Moga.

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Bail Application under Section 438 Cr.PC.

Present: Sh. Amit Mittal Advocate for applicant/accused
Sh. Satnam Singh Addl.PP for the State

ORDER

File put up before me being Vacations Judge. Vide this order, I intend to dispose of bail application under Section 438 Cr.P.C filed by applicant-accused in the FIR mentioned above.

Police file received and perused.

Learned counsel for accused/applicant has argued that since, the accused/applicant has already joined the investigation, as such, his custodial interrogation is not required. The accused/applicant has been nominated in the present case under Section 29 of NDPS Act. No recovery is to be effected from him and accordingly bail application be allowed.

Learned Addl.PP for State argued that present case is registered on the basis of true facts.

I have considered the submissions of learned counsel for the applicant/accused and learned Addl.PP for State.

Perusal of record shows that present FIR was registered by the police on the allegations that the police party headed by Inspector Tarlochan Singh were present at Partap Road, Moga, Opposite Bank of India in connection with patrolling and checking of suspected persons, where he received a secret information that Akash Kumar and Rohit Nagar used to sell the heroin and other cases have already been registered against Akash Kumar and on that day, they were waiting for client while sitting in front of their houses. If raid be conducted, they can be apprehended alongwith huge quantity of heroin. Thereafter, raid was conducted and co-accused were apprehended and recovery of 50 grams of heroin and drug money of ₹ 1,40,000/- was effected from them. Later on during, investigation, accused/applicant has been nominated in the present case under Section 29 of NDPS Act.

SI Balwinder Singh has made a statement that accused/applicant has joined the investigation as per the order of the Hon'ble Court dated 21.12.2022, and his custodial interrogation is not required. No bail application of the accused/applicant is pending before the Hon'ble High Court.

Accused/applicant has been nominated under Section 29 of NDPS Act on the statement of co-accused. The evidentiary value of same is to be seen during the trial. The recovery effected from the co-accused does not fall under commercial quantity. Since, as per order dated 21.12.2022 passed by this court, the accused/applicant has already joined the investigation, as such, his custodial interrogation is not required. The culpability of applicant-accused

shall be gauged during the course of trial. So, without much commenting upon merits of the case, the present bail application is allowed and the order dated 21.12.2022 is made absolute. Papers be attached with relevant record.

Pronounced.
29.12.2022.
(Sunny Stenographer II)

(Harjeet Singh)
Vacations Judge, Moga
Moga. (**UID No.PB0131**)

Vicky Vs. State of Pb.

Present: Sh. Amit Mittal Advocate for applicant/accused
Sh. Satnam Singh Addl.PP for the State

File put up before me being Vacation Judge. Today SI Balwinder Singh came present and made a statement that accused/applicant has joined the investigation as per the order of the Hon'ble Court dated 21.12.2022, and his custodial interrogation is not required. No bail application of the accused/applicant is pending before the Hon'ble High Court.

Arguments heard. Vide my separate order of even date, the present bail application stands allowed. Papers be attached with relevant record.

Pronounced.
29.12.2022.
(Sunny Stenographer II)

(Harjeet Singh)
Vacations Judge, Moga,
Moga. (**UID No.PB0131**)