

Seeto vs State

In the Court of Sh. Jatinder Pal Singh Khurmi, Additional Sessions
Judge, Hoshiarpur. (UID No.PB-00057).

BA No. 2714-2022
(CNR No.PBHO01-007793-2022).
Date of Order: 23.11.2022.

Seeto aged about 46 years wife of Naranjan Ram R/o Village Denowal Khurd
PS Garhshankar, District Hoshiarpur
vs

State.

FIR no. 171 dated 23.09.2022
u/s 21/61/85 of NDPS Act.
PS Garhshankar , Hoshiarpur.

‘Application U/s 439 Cr.P. C for Regular Bail’.

Present: Sh. Harjit Kumar Rana Advocate for the applicant.
Sh. Nitin Berry PP for the State.

ORDER:

Applicant Seeto is seeking bail in FIR No. 171 dated 23.9.2022,
under Section 21/61/85 of NDPS Act, Police Station Garhshankar ,
Hoshiarpur.

2. It is pleaded that police has arrested her in this case whereas no
recovery has effected from her and the applicant was arrested on the
disclosure statement of co-accused.

2. Upon notice, Learned Public Prosecutor for State has orally
opposed the bail application. Even Statement of SI Ravinder Singh, NO.
929/HPR, PS Garhshankar , Hoshiarpur recorded that he has verified that this
is the first application of bail of accused Seeto and no such bail application
is either filed or pending in court of parallel jurisdiction or any other court or
Hon’ble High Court. Other FIR no. 73 of 2020, under Section 22 of NDPS
Act pertaining to Police station Garhshankar, is pending trial against the
applicant.

3. I have heard the arguments advanced by Learned Counsel for the
applicant-accused and Learned A PP for State and also have gone through the
record carefully.

4. Version prosecution in brief is that on 23.09.2022, SI Ramandeep
Kaur alongwith ASI Pritpal Singh, L/Ct Mamta and other police officials
were present at Nawashehar road, Pull Nehar, Garhshankar for checking of

suspicious persons. Then a lady was seen coming holding heavy polythene envelope in his right hand, who on seeing the police party got frightened and tried to turn back. On the basis of suspicion, IO alongwith the help of police party apprehended her and asked her name and address, who told her name as Seeto W/o Niranjana Ram R/o Donowal Khurd, PS Garhshankar, Hoshiarpur. IO said that he has suspicion that there is intoxicant substance in the polythene envelope, therefore, your search as well as polythene envelope is to be conducted. After complying with the provisions of law, the search of the accused was conducted. Upon checking of polythene envelope, 15 gm of Heroin was recovered. Other formalities were also completed and accordingly case was registered against the accused under Section 22-61-85 of ND&PS Act and accused was arrested. .

6. Challan has been presented in the Court. Looking into the recovery effected and incarceration, this Court finds that accused is entitled to bail. Further, no useful purpose will be served by keeping the applicant-accused in custody, rather it will be burden on the State Exchequer. Without commenting on the merits of the case, the applicant-accused Seeto is ordered to be released on regular bail subject to her furnishing personal bail bonds in the sum of Rs.50,000/- each with one surety in the like amount before Trial/Duty Judge, subject to the conditions that she will appear in the court on each and every date of hearing, will not tamper with the prosecution evidence and will not leave India without prior permission of this court. Bail application stands disposed of accordingly. Papers be attached with main file.

Announced in open Court:
Dated: 23.11.2022
(Diksha Rani-Steno)

(Jatinder Pal Singh Khurmi),
Judge, Special Court, Hoshiarpur.
(UID No.PB-00057).

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Police record received. Statement of SI Ravinder Singh, NO. 929/HPR, PS Garhshankar, Hoshiarpur recorded Arguments heard. Vide my separate detailed order of even date, this application filed by applicant-accused Seeto, under Section 439 Cr.P.C is allowed, as detailed therein. Police record returned and papers be attached with main file.

Announced in open Court:
Dated: 23.11.2022
(Diksha Rani-Steno)

(Jatinder Pal Singh Khurmi),
Judge, Special Court, Hoshiarpur.
(UID No.PB-00057).