

**IN THE COURT OF SH. SANDEEP SINGH JOSSAN
(PB0150), JUDGE SPECIAL COURT, HOSHIARPUR**

**B.A. No. 2736/2022
CNR No. PBHO010078502022
Decided on: 04.11.2022**

State of Punjab

Versus

Nand Kishore aged 35 years, son of Jagdev Nayak r/o Ohlipur, Runni Saidpur, Sitamarhi, Bihar at present residing at Ranipur, Rawalpindi, District Kapurthala.

FIR No. 147, dated 21.9.22,
U/s 22, 29/61/85 of NDPS Act,
P.S. Sadar, Hoshiarpur.

Present: Sh Sandeep Sharma, cl for the accused.
Addl. PP for the State.

ORDER

1. This order of mine shall disposed of application filed by the petitioner for grant of interim bail in case F.I.R. No. 147, dated 21.9.22, u/s 22, 29/61/85 of NDPS Act, P.S. Sadar, Hoshiarpur.

Story of the prosecution is that police party was present near village Shergarh, on Chandigarh Bypass when they nabbed a person coming on Aactiva scooter, on the basis of suspicion and he was apprised of his legal right by ASI to be searched as the ASI had apprehension of having some intoxicant in his possession, but accused reposed faith in ASI. As such, from the search of Nand Kishore, accused 250 gram intoxicant powder was recovered. As such, present FIR was registered.

2. Learned counsel for the accused submitted that accused/ applicant has been falsely implicated in this case and he is in custody since 21.9.22. That, alleged recovery has already been effected and accused/ applicant is no more required for further investigation. That, alleged

recovery of 250 gram intoxicant powder appears to be non-commercial quantity. That, no useful purpose will be served by keeping the accused behind bars and it will take long time to produce the challan.

3. I have heard learned counsel for the accused, learned Addl. Public Prosecutor for the State and have gone through the file carefully.

As per FIR in question, accused was found in conscious possession of 250 gram intoxicant powder. The nature of recovery can be ascertained only after receiving the report of Chemical Examiner. The accused is in custody since 21.9.22. As such, keeping in view the period of custody, the grounds mentioned in the bail application and the fact that the report of Chemical Examiner is yet to be received, the accused is granted interim bail till the date of receiving Chemical report on furnishing his bail bond in the sum of Rs.50,000/- with one surety in the like amount. It is made clear that in case, on receiving chemical report, the quantity recovered from the possession of the accused is found to be in commercial in nature, then, the bail order passed by this court today, shall stand cancelled automatically and the accused shall be required to surrender in the court. With these observations bail application under reference stands disposed of.

Accused shall not leave India without prior permission of the court; The accused shall continue appearing in Court unless appearance is specifically exempted.

Copy of this order be placed with the remand papers and this file be consigned to the record room.

Pronounced:
04.11.2022

Sandeep Singh Jossan
PB0150
JSC/ Hoshiarpur.

typed by Mukesh Chander, Stenographer Gr-I