

In the Court of Sh.Mohammad Gulzar,
Judge, Special Court, Pathankot.

(UID No. PB-0063)

PBPO010010492021



BA No.	:	90 / 2021
CIS BA No.	:	310 / 2021
CNR No.	:	PBPO010010492021
Presented on	:	27.04.2021
Registered on	:	27.04.2021
Decided on	:	29.04.2021

Surinder Pal Singh (aged 44 years) son of Sh.Mehar Chand, resident of Village Ragowal, Post Office Sagra, Tehsil Dasuya, District Hoshiarpur (PB).

...Accused/Applicant

versus

State of Punjab

...

FIR No.0046 dated 27.03.2021.
Under Section 15 of Narcotic Drugs
& Psychotropic Substances Act 1985.
Police Station Sujanpur

...

First Bail application under section 439 Cr.P.C.

...

(Mohammad Gulzar)
Judge, Special Court, Pathankot.
(UID No. PB-0063)

Present: Sh.Suraj Singh Adv., counsel for the accused / applicant.
Sh.Jatinder Pal Singh, Addl. Public Prosecutor for the State.

ORDER:

1. Accused / Applicant Surinder Pal Singh son of Sh.Mehar Chand, resident of Village Ragowal, Post Office Sagra, Tehsil Dasuya, District Hoshiarpur (PB) has sought regular bail under Section 439 Cr.P.C in the aforesaid FIR.

2. FIR in the present case was registered under Section 15 of the NDPS Act on the allegations that on 27.03.2021 ASI Yash Pal alongwith other police officials made nakabandi near Bridge No. 4 Sujanpur and they were conducting checking of the vehicles coming from the side of Madhopur. In the mean time back side of other cars, one dark red colour Innova Car bearing No. PB-08-DG-0701 came in which two hair cut persons were sitting on front seat and after stopping their Car on one side of the road, they alighted from the Car and while carrying the weighty plastic bag from both the sides when they were going towards the bushes adjoining to the canal, then ASI Yash Pal kept his eyes upon them and followed them. On seeing him, both of them when tried to throw away the plastic bag in the bushes, then they were apprehended by ASI Yash Pal with the help of police party. On asking about their name and address, first one disclosed his name as Surinder Pal Singh son of Mehar Chand, resident of Ragowal, Post Office Sagra, Police Station Dasuya, District

Hoshiarpur and another person disclosed his name as Narinder Kumar son of Shadi Lal, resident of Sanso Neknama, Police Station Dasuya, District Hoshiarpur. Investigation was conducted. After weighing the plastic bag containing Poppy Husk on electronic scale, it came to be 15 Kg of Poppy Husk.

3. Ld. Counsel for the accused has submitted that the accused is innocent and he has been falsely implicated in this case. He has not committed any offence. He has further submitted that no alleged substance has been recovered from the accused. The co-accused Narinder Kumar has already been granted bail by this Court vide order dated 27.04.2021. The accused is in custody since 27.03.2021. Hence, prayed for concession of bail.

4. On the other hand, Ld. Additional Public Prosecutor for the State has submitted that the contraband weighing 15 Kg of Poppy Husk was recovered from the conscious possession of the applicant / accused and as well as non applicant / accused Narinder Kumar. Hence, prayed for dismissal of the bail application.

5. I have considered the aforesaid contentions raised by the Ld. Counsel for the accused as well as Ld. Additional Public Prosecutor for the State and have gone through the investigation record.

6. Admittedly, as per case of the Investigating agency contraband in the shape of Poppy Husk weighing 15 Kilograms was recovered from the conscious possession of applicant and non applicant Narinder Kumar. The co-accused Narinder Kumar has already been granted bail by this Court vide order dated 27.04.2021. The recovered 15 Kg of Poppy Husk falls within non commercial quantity as provided in Table as annexed in the NDPS Act and as such bar under Section 37 of the Act would not operate against the present accused. The recovery has already been effected and the accused is in custody since 27.03.2021. No useful purpose would be served by detaining the applicant/accused behind the bars as the presentation of challan and commencement of trial shall take sufficient long time. Accordingly, having regard to the alleged facts and circumstances of the case, the applicant/accused is ordered to be released on bail, subject to his furnishing bail bond and surety bond to the tune of ₹. 1,00,000/-with one surety of the like amount, to the satisfaction of learned Illaqa Magistrate, Area Magistrate/Duty Magistrate, subject to the following conditions:-

- (i). that he will appear on each and every date of hearing before the Court;
- (ii). that he will not tamper with the prosecution evidence;
- (iii). that he will not win over the witnesses, who are acquainted with the facts of the case;

- (iv). that he will not leave India without prior permission of the Court and
- (v). that he will not misuse the concession of bail.

Copy of this order be sent to the Court of Ld.Illaq Magistrate, Area Magistrate/Duty Magistrate for information and necessary compliance. Bail application file be consigned to the Record Room.

Pronounced in the Open Court.

Dated: 29.04.2021

**(Mohammad Gulzar)
Judge, Special Court
Pathankot**

(Ajay Kumar)
Stenographer-I

(UID No. PB-0063)

“I attest to the accuracy and authenticity of this document.”

**(Mohammad Gulzar)
Judge, Special Court, Pathankot.
(UID No. PB-0063)**