

CNR No.PBFZ0100-0597-2021

CIS No. BA-300 of 2021

Dated of order: 10.02.2021

(Application u/s 439 Cr.P.C.)

--

Present: Sh. Kunal Behl, Adv., counsel for the applicant/accused.

Sh. Rajiv Chaudhary, Addl.PP for the State.

ORDER

1. Heard on the bail application moved by applicant/accused Sukha Singh, under Section 439 of Cr.P.C, pertaining to FIR No.03, dated 04.01.2021, under section 15/61/85 NDPS Act, Police Station, Zira, wherein learned Additional PP for the State has opposed the same, on the ground that there are serious allegations against the applicant/accused.

2. Perusal of the record shows that the present case has been registered on the basis of secret information with the allegations that the applicant/accused is in business of selling poppy husk.

3. Afterwards, raid was conducted and recovery of 10 Kgs poppy husk was effected from him and he is in custody in this case since 04.01.2021 and FSL report has not been received.

4. While taking into consideration the aforesaid factual position, when total recovery effected from the applicant/accused is 10 Kgs poppy husk and unless and until report/result from the office of Chemical Examiner is not received, it cannot be said what kind of Intoxicant substance containing in the alleged contraband. There is no allegation against the applicant/accused that he will tamper with the prosecution evidence or threatening the witnesses, if released on bail. Presentation of the challan is likely to take time and no useful purpose would be served, by keeping him, in judicial custody, for an indefinite period and the applicant/accused is in custody since 04.01.2021. So the present bail application, filed by the applicant/accused, U/s 439 of Cr.P.C., is accepted and disposed of with the condition that if on receipt of report of Chemical Examiner, such kind of salt/ingredient, reported to be contained in the alleged contraband involved in this case and makes the contraband of the category of commercial quantity, as per the provisions of N.D.P.S. Act, then the applicant/accused will have to appear/surrender before the Court and this bail order shall be deemed to have been cancelled. The applicant/accused shall be released on bail

on furnishing bail bonds to the satisfaction of the Illaqa/Duty Magistrate.

5. Anything said in this order shall not affect the merits of the main trial in any manner. File be consigned/attached with the remand papers.

Pronounced in open Court.

Dated: 10.02.2021

yashpaul

Sd/-(Sachin Sharma)

Judge, Special Court,

Ferozepur

UID No.PB0519