

**1. In the Court of Sh. Muneesh Arora,UID
No.PB0135**

2. Judge Special Court, Kapurthala.

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4. CNR No.PBKP010046682017

5. Bail application No.2778 of 29.09.2017

6. Date of Interim Order: 10.10.2017

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8. FIR No.264 of 15.09.2017

9. Under Section 22/61/85 of NDPS Act.

10. Police Station Sultanpur Lodhi,

11. District Kapurthala

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13. Sta te 14. ersus 15. 1. Kuljinder Kumar @ Kaku son of Mulakh Raj resident of Talwandi Bharo, P.S. Sadar, Nakodar, District Jalandhar aged about 23 years.

16. 17. 18. 2. Manpreet Singh @ Manna son of Gurnam singh resident of Talwandi Bharo, P.S. Sadar, Nakodar, District Jalandhar aged about 24 years.

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20. **Accused/applicant.**

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22. Application for bail under Section 439 Cr.P.C.

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24. 25. Sh. Sukhwinder Jaswal, Adv., for present: applicant/accused.

26. Ms.Mandeep Walia, Addl. PP for the State of Punjab.

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28. ORDER

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1. The present bail application under section 439 Cr.P.C. has been filed by the applicants-accused Kuljinder Kumar @ Kaku and Manpreet Singh @ Manna in case FIR No.264 of 15.09.2017, under Section 22/61/85 of NDPS Act, Police Station Sultanpur Lodhi, District Kapurthala.

2. Learned counsel for the applicants-accused has contended that the applicants-accused are innocent and they have been falsely implicated in this case. The applicants-accused is in judicial custody since 15.09.2017. There is no direct or indirect evidence against the applicants-accused to connect them with the commission of alleged offence. The alleged recovery has already been effected and now nothing is to be recovered from the applicants-accused. On these assertions he has prayed for grant of regular bail.

3. Learned Addl.P.P for the State has opposed the bail application and has submitted that grave and serious allegations have been levelled against the applicant-accused. On these assertions, she has prayed for dismissal of the bail application.

4. I have heard learned counsel for applicant-accused, learned Addl.P.P for the State and have also gone through the record very carefully.

5. As per the case of prosecution, applicant-accused Kuljinder Kumar @ Kaku and Manpreet Singh @ Manna have allegedly been found in conscious possession of 15 grams each intoxicant powder in the area of village Tashpur, P.S. Sultanpur Lodhi, District Kapurthala. The report of Forensic Science Laboratory is awaited. Learned Counsel for accused-applicants has prayed that Hon'ble Punjab & Haryana High Court, Chandigarh in Criminal ***Misc.NO.1389 of 2013 Ravinder***

Singh alias Rinku Versus State of Punjab and Criminal Misc.No.13 of 2012 Inder Singh Versus Ladi decided on 31.01.2014 has given the direction that in case there is delay in the report of the Chemical Analysis, this would entitle the accused to the interim bail, till the report is finally received.

6. Considering the allegations in the FIR and arguments of learned counsel for the applicants-accused, applicants-accused Kuljinder Kumar @ Kaku and Manpreet Singh @ Manna are ordered to be admitted to interim bail till the report of Forensic Science Laboratory is received on their furnishing personal bail bond in the sum of Rs.1,00,000/- with one surety in the like amount each to the satisfaction of this Court subject to the following conditions that:-

1. They will not tamper with the prosecution evidence;
2. They will appear in the Court each on each and every date of hearing to be fixed in the trial;
3. They will not leave the territory of India without prior permission of the Court.
4. They will surrender their passports in the Court, if any. In case they are not possessing any passport, they will furnish an affidavit to this effect.

7. Now to come up on 18.11.2017 for awaiting report.

Bail application be annexed with the remand papers.

Pronounced in the open Court
Dt.10.10.2017
(Mohinder Kumar)

(Muneesh Arora)
Judge Special Court,
Kapurthala

UID No.PB0135