

IN THE COURT OF PALWINDER JIT KAUR, JUDGE SPECIAL COURT
HOSHIARPUR. (PB0187)

CIS BA No.2775-2024
CNR No.PBHO01008238-2024
Date of institution: 18.09.2024
Date of order: **23.09.2024**

Pardeep Kumar son of Ruldu Ram resident of village Bhamian, PS Garhshankar,
Distt. Hoshiarpur.

...Applicant

Versus

State of Punjab.

...Respondent.

FIR No. 192 dated 14.11.2023
U/s 22/29/61/85 of NDPS Act
Police Station: Garhshankar, Distt. Hoshiarpur.

Application U/s 439 of Cr.P.C for grant of bail.

Present: Sh. Sandeep Deputy Chief L.A.D.C. for the applicant-accused.
Sh. NS Gill Addl. Public Prosecutor for State

ORDER

1. This order of shall dispose off application under Section 439 Cr.P.C for grant of regular bail as moved by applicant-accused in the above mentioned case. Notice of the bail application issued to the State. Learned Addl. PP appeared on behalf of State and contested the bail application. Record has been produced and perused.

2. As per prosecution story on 14.11.2023, SI Kuildeep Singh alongwith other police officials was present at Nangal road Garhshankar in connection with patrolling. At about 3:00 pm, they saw two persons came on motorcycle without number marka Discover, who on seeing the police party tried to turn back their motorcycle, but on the basis of suspicion, they were apprehended by the police party and on inquiry the driver of the motorcycle disclosed his name as Pardeep

Kumar and the pillion rider disclosed his name as Barinder Singh @ Ballu. Search of both the above said persons was conducted as per rules. On search of Pardeep Kumar, 165 grams intoxicant powder was recovered from the polythene envelope carried by him in the right pocket of his Pajama. Thereafter search of Barinder Singh was conducted and from the left pocket of his pant one polythene envelope containing intoxicant substance was recovered and on weighing the said intoxicant substance came to be 185 grams. The intoxicant substances recovered from the accused persons were taken into police possession separately. Accordingly, the present FIR was registered against the accused. Accused were arrested in this case.

3. I have heard the learned counsel for the appellant-accused, learned Addl. PP for the State and perused the record.

4. Learned counsel for the applicant/accused argued that applicant is innocent and has been falsely implicated in this case. The learned counsel further argued that the applicant-accused is in judicial custody since 14.11.2023 and planted a false recovery of 165 gm intoxicant powder. The challan in this case is already presented and conclusion of the trial will take sufficient time. No purpose would be served by keeping the applicant behind the bar for indefinite period. The applicant/accused undertakes to appear on each and every date of hearing and to abide by all the terms and conditions as imposed by this Court, if he is released on bail. So, prayer is made for grant of regular bail to the applicant.

5. On the other hand, Ld. Addl.PP has argued that heavy recovery was effected in this case, so accused does not deserve the leniency of the court as such prayer is made for dismissal of the bail application.

6. As per allegations of the prosecution, on 14.11.2023, SI Kuildeep Singh alongwith other police officials apprehended the applicant-accused alongwith his co-accused when they were coming on motorcycle without number marka Discover and

on inquiry the driver of the motorcycle disclosed his name as Pardeep Kumar and the pillion rider disclosed his name as Barinder Singh @ Ballu. On search of Pardeep Kumar, 165 grams intoxicant powder was recovered from the polythene envelope carried by him in the right pocket of his Pajama and on the search of Barinder Singh one polythene envelope containing intoxicant substance was recovered from the left pocket of his pant and on weighing the said intoxicant substance came to be 185 grams. Total 350 grams intoxicant powder having salt Tramadol was recovered in this case. Heavy recovery in this case has been effected. Now-a-days the drug menace is effecting the society at large like a cancer and lives of young innocent person are spoiled by drug peddlers. So far as averments/contents raised by learned counsel for the applicant-accused, those are matter of evidence. Keeping in view the facts, circumstances, seriousness, gravity of the offence and heavy recovery of narcotics effected in this case, the applicant-accused is not entitled to the benefit of regular bail. Consequently, the bail application is, hereby, **dismissed**. Bail papers be attached with the main trial.

Pronounced in open Court:

Date of order: 23.09.2024.

Anil Kumar, JW

Direct dictation

Palwinder Jit Kaur,
Judge Special Court,
Hoshiarpur

CIS BA No.2775-2024

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Pardeep Kumar Vs. State

Present: Sh. Sandeep Deputy Chief L.A.D.C. for the applicant-accused.
Sh. NS Gill Addl. Public Prosecutor for State

Police record produced. ASI Vas Dev IP appeared and suffered statement that this is the first regular bail application filed by the applicant and no such bail application of the applicant have previously dismissed or pending in any court of competent jurisdiction. He further stated that the challan has been presented in this case.

Arguments heard. Vide my separate detailed order of even date, bail application is dismissed. Police record be returned. Bail papers be attached with the remand papers.

Pronounced in open Court:

Date of order: 23.09.2024.
Anil Kumar, JW
Direct dictation

Palwinder Jit Kaur,
Judge Special Court,
Hoshiarpur