

IN THE COURT OF RANJIT KUMAR JAIN,
JUDGE SPECIAL COURT, PATIALA
PATIALA(PB0077)

BA No.2777/2022
CNR No.PBPT010087082022
Date of Order: 2.9.2022
Pending for: 9.9.2022

Roshan aged about 40 years S/o Sh. Ballu R/o Ward No. 9, Indri, Karnal,
Haryana.

....Applicant

Versus

State of Punjab

.....Respondent

FIR No. 93 dated 20.7.2022,
Under Section 20/29/61/85 NDPS Act
Police Station: Julkan

Application Under Section 438 of Cr.P.C.

Present: Sh. Amanpreet Singh Monu, Advocate, for applicant-accused
Sh. K.S. Bajwa, Addl. Public Prosecutor for the State

ORDER:-

1. This order of mine shall dispose off application as filed by applicant/accused under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No. 93 dated 20.7.2022, Under Sections 20/29/61/85 NDPS Act registered at Police Station, Julkan, moved on the grounds that police officials from PS Julkan, Patiala visited house of applicant in his absence

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and threatened the family members of applicant that he will be arrested in non bailable offence, hence, there is apprehension of arrest of applicant. There is no reason to believe that applicant has committed any offence. Prima facie no case under Section 20/29/61/85 of NDPS Act is made out against the applicant. Name of applicant has not been figured in the FIR, but the police is harassing the applicant at the instance of co-accused and falsely implicated applicant in false and frivolous case. Applicant has never indulged in any illegal or criminal activities. No recovery is to be effected from applicant, as such, no custodial interrogation is required. Applicant is permanent resident of Patiala, so there is no apprehension of his absconding or tampering with prosecution evidence. Applicant undertakes to abide by all the terms and conditions imposed by this court. Prayer is made for allowing bail.

2. Upon notice of application same is contested by State. Police file is called and same is perused.

3. As per prosecution story, police party headed by SI Baljit Singh was checking the vehicles on main Patiala Pahowa High Way, T-Point village Harigarh. Then accused Money Sood alighted from the bus while carrying a plastic bag, who was apprehended on the basis of suspicion and 3 Kgm Ganja was recovered from his possession. During interrogation said accused disclosed name of one Ashok Kumar alias

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Shonki son of Somnath and applicant-accused Roshan who were nominated in the present case. Case has been registered and investigation is pending.

4. Heard. Police file is called and same is perused. Perusal of record shows that recovery of 3 Kgm of Ganja has been effected from the co-accused and applicant/accused Roshan has been nominated in this case on the basis of disclosure of co-accused. Earlier no case is pending again applicant/accused Roshan. Even no recovery has been effected from house search of applicant/accused Roshan. So this is a fit case where benefit of interim anticipatory bail is to be granted to the applicant. So in such circumstances, I hereby by grant interim anticipatory bail to the applicant to the satisfaction of Investigating officer with the directions that he will join the investigation within 4 days from today. Applicant is further directed that he shall not make threat to any of witness nor tamper with the prosecution evidence nor leave the country without prior permission of the trial court. Now to come up on 9.9.2022 for further proceedings.

Date of order: 2.9.2022
jaspal singh stenographer-II

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