

**IN THE COURT OF Dr. HARPREET KAUR
ADDITIONAL SESSIONS JUDGE,
FATEHGARH SAHIB
(UID NO.PB0443)
(Duty)**

**Bail application no.310 of 30.03.2024
CNR No:PBFG010011232024
Decided on: 10.04.2024**

Bhola Singh Tomar alias Guddu aged about 51 years son of Feran Singh Tomar resident of ward no.32, Civil Lines, City Datya, Police Station Datiya Civil Lines, District Datiya, Madhya Pradesh.

.....Applicant

Versus

State of Punjab.

.....Respondent

**FIR No.07 dated 26.02.2024
U/s 15/61/85 of NDPS Act
Police Station GRP Sirhind**

Bail Application under section 439 Cr.P.C

Present: Sh.Mandeep Sharma, Advocate for the applicant.
Sh.Munish Kumar, Ld.Addl.PP for the State.

ORDER

1. Bail application put up before me in view of the office order

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received vide Endst. No.2600/E.B dated 03.04.2024, as Ld. Presiding Officer is on Medical leave w.e.f 02.04.2024 to 26.04.2024.

2. Bail applicant namely Bhola Singh Tomar, who is behind the bars since 26.02.2024, has approached this court in the instant bail application filed under Section 439 Code of Criminal Procedure Code (in short, “Cr.P.C”), praying therein for grant of regular bail in connection with FIR No.07 dated 26.02.2024, U/s 15/61/85 of NDPS Act, Police Station GRP Sirhind.

3. Notice of the bail application has been given to the Ld. Additional Public Prosecutor and the bail application has been contested on the behalf of State. Record from the concerned police station received.

4. Learned counsel for the applicant argued that accused-applicant has been falsely implicated in the present case. He is in custody since 26.02.2024 and no recovery is to be effected from him. No useful purpose shall be served by retaining the applicant behind the bars for indefinite period.

5. On the other hand, learned Addl.P.P.for State has also

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submitted that though the contraband recovered from the applicant is not falling in the commercial quantity, but the applicant is not entitled for bail as he has committed serious offence and prayed that his bail application be dismissed.

6. I have given thoughtful consideration to the contentions of both the learned counsel for the parties and have gone through the record with their able assistance.

7. Perusal of the police record reveals that as per the allegations on 26.02.2024 in the area of Railway Station, Sirhind, 5 kilograms of poppy husk was recovered from the accused-applicant. The alleged quantity recovered from the applicant-accused falls under non-commercial quantity. The applicant-accused is in custody since 26.02.2024 i.e. for the period more than one month. Presentation of the challan and trial would take considerable time. Therefore, no useful purpose would be served by keeping the applicant in custody for indefinite period. Hence, the applicant is ordered to be released on bail on her furnishing bail bonds in the sum of Rs.1,00,000/- with one surety in

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the like amount to the satisfaction of Ld.Ilaqa/Duty Magistrate. File be attached with the remand papers, if pending, otherwise consigned to the record room.

Pronounced in open Court: 10.04.2024

(Directly dictated on computer system)

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Fatehgarh Sahib.(Duty)
UID No.PB-0443

Manjinder Singh
(Judgment Writer-II)

(Dr. Harpreet Kaur)
Additional Sessions Judge,
Fatehgarh Sahib(D)