

**IN THE COURT OF KAWALJIT SINGH,
JUDGE SPECIAL COURT, TARN TARAN.
(UID Number PB0155)**

Case Type	Bail Application
Filing Number	5358/2021 Filing Date: 28.10.2021
Registration Number	3071/2021 Date of Registration: 29.10.2021
CNR Number	PBTT010068952021
Date of Decision	08.11.2021

Nishan Singh aged 31 years son of Mehar Singh resident of village Malia Kalan, Tehsil and District Tarn Taran.

...Applicant-accused

Versus
State of Punjab

...Respondent

FIR No.236 dated 15.09.2021
Under Section 22 NDPS Act
Police Station, City Tarn Taran

BAIL APPLICATION UNDER SECTION 439 Cr.P.C.

Present: Shri K.S Batth, counsel for the applicant
Sh.Satinderjit Singh, Additional Public Prosecutor for State

ORDER

Applicant-accused has filed the instant bail application under Section 439 Cr.P.C., seeking regular bail in the above noted case.

2. It is argued by the learned counsel for the applicant that applicant is innocent. He is not committed any offence. He has been falsely implicated in this case as non-commercial quantity of 100 tablets having no label have been planted upon the applicant. It is submitted that till the time the content of these tablets is not known, otherwise it cannot be said with conviction that applicant has committed any offence in violation to the provisions of NDPS Act. Applicant is in custody since his date of arrest on 15.09.2021. Presentation of challan and conclusion of trial is going to take sufficient time. Therefore, it is prayed that the applicant may kindly be granted the concession of regular bail or on interim bail till the time of receipt of report of chemical examiner about the contents of the tablets.

3. On the other hand, learned Additional Public Prosecutor for the State opposed the bail application and prayed for dismissal of the same.

4. I have considered the contentions raised by both the sides. As per the allegations of the prosecution, applicant was found in conscious possession of 100 intoxicant tablets. Report of chemical examiner is yet to be received and normally it takes 2/3 months or even more for report to be received due to the huge pendency of work in the laboratory and only then it can be ascertained about the salt of the loose tablets and also if the contents of thereof would fall under commercial segment or under non-commercial segment. Applicant is in custody since 15.09.2021. No useful purpose is going to be served by keeping the applicant behind the bars till the time contents of the salt contained in the alleged recovered tablets in form are not revealed. In these circumstances, applicant is ordered to be released on interim bail on his furnishing bail bonds in the sum of Rs.50,000/-, with one surety in the like amount, subject to the following conditions:

- 1) That the applicant shall not tamper with evidence.
- 2) That the applicant shall surrender in the court in case, on receipt of report of chemical examiner, the quantity of the salt from the recovered tablets falls under the commercial segment and in case of violation on the part of the accused to surrender, the Court shall be at liberty to cancel the bail order of the applicant.
- 3) That the applicant shall not leave the country without prior permission of the Trial court.

6. Copy of this order be sent to SHO/IO concerned with the direction to send report of chemical examiner immediately to this court. In case, on receipt of report, quantity of narcotic drug or psychotropic substance is found to be commercial, this order granting interim bail shall be deemed to have come to an end automatically and applicant shall surrender

before the court without any further order of cancellation of bail otherwise same shall be considered to have become absolute. However, it is made clear that observation made herein above shall not be construed as an expression on the merits of the main case. The bail application file be placed on record/consigned to the record room.

Announced: 08.11.2021

Self typed

**Kawaljit Singh,
Judge Special Court,
Tarn Taran.
UID Number PB0155**