

**In the court of Shri Hira Singh Gill
Judge Special Court, Jalandhar.
UID No (PB0153)**

B.A. No.3094/2019
Filing No.8431/2019
CNR No.PBJL01-016149-2019
Date of Filing: 23.7.2019
Date of Order: 30.7.2019

Vijay Kumar aged about 26 years son of Lakhu Ram, resident of
Mohalla Rehmanpur, Nakodar District, Jalandhar.

..Accused/applicant

Versus

State of Punjab

FIR No.49 dated 21.6.2019
U/s 22 NDPS Act
Police Station City Nakodar
Jalandhar.

[Second Application for Bail U/s 439 of Cr.P.C.]

Present: Shri NPS Thind, Adv. Counsel for accused/applicant
Shri A.S. Dhami, PP for the State.

ORDER:

1. Present bail application along with interim bail application has been filed by Vijay Kumar in FIR No.49 dated 21.6.2019 registered at P.S. City Nakodar, Jalandhar under section 22 of NDPS Act.
2. Brief facts of the case of the applicant/accused are that applicant/accused has been falsely implicated in the present case. He further submitted that he is innocent and he had not committed any offence. He further submitted that he was arrested in this case on 21.6.

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2019 and since then he is in judicial custody. He further submitted that he undertakes to comply with all the terms and conditions to be imposed by the court. Hence, prayed that he be released on interim bail.

3. Notice was given to learned PP for the state who contested the bail application on the ground that chemical report was not received. He further stated that at this stage it cannot be concluded that contraband recovered from the possession of accused fall in the commercial category or not. He further stated that accused is also not entitled to interim bail at this stage.

4. I have heard learned counsel for the accused/applicant, PP for the State and have carefully gone through the records of the case.

5. FIR No.49 dated 21.6.2019 was registered against accused/applicant at P.S. City Nakodar, Jalandhar under section 22 of NDPS Act. There are allegations against the accused that 84 loose tablets were recovered from his possession. Thereafter same was sent to the chemical examiner, but no report has been received so far. From perusal of prosecution record, the accused was arrested in this case on 21.6.2019 and since then he is in judicial custody. Moreover, the quantity of contraband allegedly recovered from accused is such that diminishes the chances and likelihood of it falling in commercial category even if it is found to contain any narcotic and psychotropic substance in analysis report. It has even been observed by Division Bench of our Hon'ble Punjab & Hayana High Court in case **Inderjeet Singh alias Laddi Vs State of Punjab CRM No.M-13140 of 2012 decided on 31.01.2014**

that in such cases the court could use its discretion/ prudence to grant the relief of interim bail to the applicant/accused which power is inherently there with it where it is found that chemical examiner report was being unnecessarily delayed and the nature and quantity of recovery showed less likelihood of it coming in the category of commercial quantity.

6. So from the above said discussion, it is clear that as per version of the prosecution 84 loose tablets were recovered from the possession of the accused. Thereafter, sample was sent to the chemical examiner, but FSL report has not been received so far. Accused was arrested in this case on 21.6.2019 and since then he is in judicial custody. There is no contention that accused can affect the investigation. Similarly there is no record that earlier also accused committed similar offence. So, in these circumstances, bail application of accused is allowed on furnishing of bail/ surety bonds to the tune of ₹60,000/- with one surety in the like amount, subject to the undertaking that he shall surrender before the court/ taken into custody in case the contraband turns out to be of commercial quantity on receipt of report of Chemical Examiner. Bail application file be attached with the remand papers.

**Pronounced in open court.
Dt 30.7.2019.**

**(Hira Singh Gill)
Judge Special Court,
Jalandhar. UID No (PB0153)**

Sukhwinder Singh

Hira Singh Gill
Judge Special Court, Jalandhar

CNR No.PBJL01-016149-2019

Present: Shri NPS Thind, Adv. Counsel for accused/applicant
Shri A.S. Dhami, PP for the State.

Arguments heard. Vide my separate detailed order of even, date, the bail application has been allowed as detailed therein. Bail application file be attached with the remand papers.

**Pronounced in open court.
Dt.30.7.2019.**

**(Hira Singh Gill)
Judge Special Court,
Jalandhar.UID No (PB0153)**

Sukhwinder Singh

Hira Singh Gill
Judge Special Court, Jalandhar