

**In the Court of Ms. Palwinder Jit Kaur, Judge, Special Court,
Hoshiarpur. (UID No.PB-0187)**

CNR No.PBHO01008989-2024

CIS No.BA/3071-2024

Date of institution: 10.10.2024

Date of decision: **22.10.2024.**

Bikram @ Vikcy aged about 26 years son of Rattan Lal resident of village Saidpur, PS Chabbewal, Distt. Hoshiarpur.

...Applicant-Accused

Vs.

State of Punjab.

....Respondents

FIR No. 10 dated 18.01.2024.

Under Sections: 22/61/85 NDPS Act.

Police Station : Garhshankar.

Application Under Section 439 of Cr.P.C.

Present: Sh. Sandeep Deputy Chief LADC for applicant-accused
Sh. NS Gill Addl. Public Prosecutor for the State

ORDER:-

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

2. As per the prosecution version on 18.10.2024, SI Rakesh Kumar alongwith other police officials was going towards village Denowal Khurd from village Ibrahimpur in connection with patrolling and when the police party reached at the canal bridge of village Ibrahimpur, it saw one person coming on motor-cycle bearing no.PB-25-9055, who on seeing the police party tried to turn back his motor-cycle, but he was apprehended by the police party and on inquiry he disclosed his name as Bikram @ Vicky. Search of the

accused was conducted as per rules and from the right pocket of track suit worn by the accused 14 intoxicant injections markas Buprenorphine IP 0.3 mg/2 ml were recovered. Accused was arrested.

3. The learned counsel for the applicant-accused argued that the applicant-accused is innocent and has been falsely implicated in the present case. The prosecution has not followed the mandatory provision of NDPS Act. The applicant-accused is in custody since 18.01.2024. The challan has already been presented in the court and conclusion of trial will take sufficient time, so no purpose would be served by keeping the applicant behind the bars for indefinite period. The applicant-accused undertakes to abide by all the conditions of bail imposed by this learned court and prayed for release the applicant-accused on bail.

4. On the other hand, learned Addl. Public Prosecutor for the State while controverting his contentions has vehemently argued that heavy recovery was effected in this case from the applicant-accused, so accused does not deserve the leniency of the court as such prayer is made for dismissal of the bail application.

5. I have heard the learned counsel for the applicant-accused, learned Addl. PP for the State and have gone through the record very carefully.

6. As per prosecution story on 18.10.2024, SI Rakesh Kumar alongwith other police officials was going towards village Denowal Khurd from village Ibrahimpur in connection with patrolling and when the police party reached at the canal bridge of village Ibrahimpur, it saw one person coming on motor-cycle bearing no.PB-25-9055, who on seeing the police party tried to turn back his motor-cycle, but he was apprehended by the police

party and on search of the accused 14 intoxicant injections marka Buprenorphine IP 0.3 mg/2 ml were recovered from the right pocket of track suit worn by him. The report from the FSL has been placed on record and as per report of FSL the salt of parcel was found to be Buprenorphine Hydrochloride. 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 i.e. 27.917 grams effected from the applicant-accused, which falls under commercial quantity, 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: 22.10.2024.

Anil Kumar, JW.

Direct dictation.

Palwinder Jit Kaur,
Judge, Special Court,
Hoshiarpur
UID NO. PB0187

CNR No.PBHO01008989-2024
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Bikram @ Vicky Vs. State

Present: Sh. Sandeep Deputy Chief LADC for applicant-accused
Sh. NS Gill Addl. Public Prosecutor for the State

SI Ramandeep Kaur appeared alongwith police record and made a statement that this is the first regular bail application filed by the applicant-accused and no such bail application of the applicant has previously dismissed or pending in any court of competent jurisdiction. He further stated that FSL report is already attached with the judicial file.

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

Pronounced in open Court:

Date of order: 22.10.2024.

Anil Kumar, JW.

Direct dictation.

Palwinder Jit Kaur,
Judge, Special Court,
Hoshiarpur
UID NO. PB0187