

In the Court of Hardip Singh, Judge, Special Court, Ferozepur

CNR No.PBFZ0100-7375-2023

CIS No. BA/2798 of 2023

Date of Order: 26.10.2023

Gurpreet Singh @ Preeti aged 23 years son of Anokh Singh, resident of village Jatala, Police Station Lakho Ke Behram, District Ferozepur.

... Applicant/Accused.

Versus

State of Punjab.

....Respondent.

FIR No.169, dated 24.09.2023

U/s 21/61/85 of NDPS Act

Police Station Sadar Ferozepur

(Application for bail under Section 439 of Cr.P.C)

Present: Sh. Ajay Kumar Hans, Advocate, counsel for applicant/accused.
Sh. Karan Dhingra, Additional Public Prosecutor for State.

O R D E R

1. Heard on the bail application filed by applicant/accused Gurpreet Singh @ Preeti, under section 439 of Cr.P.C, pertaining to FIR No.169 dated 24.09.2023, under section 21/61/85 of NDPS Act, Police Station Sadar Ferozepur.

2. Learned counsel for the applicant/accused has argued and contended that false and baseless case has been registered against the applicant/accused. The alleged recovery has been planted upon the applicant/accused. Mandatory provisions of NDPS Act have not been

complied with. No offence is made out against the applicant/accused. He is in custody since 24.09.2023 and is no more required for further investigation. Hence, prayer has been made for grant of concession of regular bail.

3. Notice of the bail application was given to the State, through learned Additional Public Prosecutor for the State, who appeared and opposed the present bail application on the ground that the applicant/ accused has committed heinous crime by keeping 50 grams of Heroin without any permit or license. As such, applicant/ accused is not entitled for bail.

4. ASI Pawan Kumar has also appeared alongwith record and submitted a statement that accused has neither filed bail application before Hon'ble Punjab & Haryana High Court, Chandigarh, nor the same is pending in any superior court of law. This is the first regular bail application of the applicant/accused. Recovery in this case is 50 grams Heroin.

5. Heard. Perusal of the file shows that present case has been registered against the applicant/accused on the basis of secret information with the allegations that he is indulged in sale of Heroin and later on during investigation of the case, raid was conducted and applicant/accused was apprehended and recovery of 50 grams Heroin

was effected from him. Admittedly, the applicant/accused is in custody since 24.09.2023 and the recovery has already been effected which is 50 grams Heroin, which falls under non-commercial quantity. So, at this stage, nothing remains to be recovered from the applicant/accused. Investigating agency will take long time in filing challan in this court and further conclusion of the trial will also take time, therefore, no purpose will be served by further detaining the applicant/ accused behind bars. As such, I deem it fit to release the applicant/accused on regular bail, subject to furnishing of bail bonds in the sum of Rs. 20,000/- with one surety in the like amount before the learned Illaqa Magistrate/Duty Magistrate, Ferozepur subject to its satisfaction, who will send the bail/ surety bonds so furnished by the applicant/accused to this court after attestation. Accordingly, the present bail application stands allowed and disposed of. Anything said in this order shall not affect the merits of the main trial in any manner. **A copy of this order be sent to Superintendent, Central Jail, Ferozepur through e-mail for information and necessary action.** File be attached with the remand papers/consigned to the record room.

Announced in open Court.

Dated: 26.10.2023

Pritpal Singh

Stenographer Gr. II

Sd/-
(Hardip Singh)
Judge, Special Court,
Ferozepur.
UID No.PB0638