

**In the Court of Raman Kumar, Judge, Special Court,
Kapurthala. UID:PB0183.**

CNR No. PBKP010011002021



Case No. BA/540/2021

Presented on : 23-03-2021

Registered on : 23-03-2021

Decided on : 31-03-2021

Sukhwinder Singh aged about 38 years son of Mewa Singh, resident of village Fattudhinga, District Kapurthala.

.....Applicant/accused.

Versus

State of Punjab

.....Respondent

FIR No.35 dated 11.03.2021.
U/s 22-61-85 of NDPS Act.
P.S.Subhanpur,
District Kapurthala.

.....

(Bail application under Section 439 Cr.P.C.)

Present: Sh.Sukhminder Singh,Adv.,counsel for the applicant/ accsued.
Sh.J.S.Marok, Additional PP for the State/respondent.

ORDER

Heard on the application for bail filed by the applicant-accused.

It is submitted by counsel for applicant/accused that the police of

P.S.Subhanpur, has registered the present false case against the applicant/accused. Applicant/accused is innocent and has not committed any alleged crime. The applicant/accused is in judicial custody since 11.03.2021. There is no direct or indirect evidence against the applicant/accused to connect them with the commission of alleged crime. The prosecution has violated the mandatory provision of Sections 42, 50, 55, 57 of NDPS Act. It is further submitted that no other case earlier has been registered against the applicant/accused and in the absence of FSL report at this stage benefit of interim bail may be granted.

On the other hand the ld. Additional PP for the State, has contested the instant bail application by advancing arguments. However, Ld.APP did not dispute the fact that earlier no other case has been registered against the applicant/accused.

In the present case applicant/ accused has been arrested on 11.03.2021 and from him 35 intoxicant tablets were recovered. Ld. APP for the State has brought to my notice that FSL report has not been received yet. He also submitted that there is no certain time to receive the chemical report from FSL. In these circumstances it can not be said as to how much time it will take in receiving the report of chemical examiner. In view of the law laid-down in **“Inderjit Singh @ Ladi Versus State of Punjab, 2014 (3) RCR (Criminal) 953 (DB)”**, applicant/accused is given the benefit of interim bail till the receipt of report of chemical examiner and ordered to be released on **interim bail** on furnishing bail bonds in the sum of **Rs.75,000/-** with one surety in the like amount, with an undertaking that if on receipt of

report of chemical examiner if the contents of the intoxicant substance involved in this case makes the contraband in the category of commercial quantity, as per the provisions of NDPS Act, then the applicant-accused will have to appear/surrender before the court and the benefit of present interim bail shall be deemed to have been automatically cancelled. Thus, this is conditional order of interim bail, subject to the result of report of chemical Analysis. Present bail application stands disposed of accordingly. Nothing observed above shall have any effect on merit of the case. Police record be returned to the concerned quarter. File of this bail application be tagged with main file/remand papers.

Pronounced in open Court.

Dated:31.03.2021.

(Jhicon)

(Raman Kumar)
Judge, Special Court,
Kapurthala.(UID-PB0183)