

**IN THE COURT OF JAGMOHAN SINGH SANGHE
JUDGE, SPECIAL COURT, FAZILKA.
(UID NO.PB0447)**

Case Details

Case Type	BA
Regn. No.	BA/2614/2022 Date of Regn. 15.12.2022.
CNR No.	PBFZC0-0063962022.
Date of order	20.12.2022.

Nirvail Singh @ Nirver Singh aged 21 years son of Sh. Satwinder Singh resident of Village Khui Khera Rukanpura Tehsil Abohar District Fazilka.

...Applicant.

Versus

State of Punjab

...Respondent.

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FIR No.124 dated 22.10.2022.

U/s. 21, 29 NDPS Act.

Police Station Khuian Sarwar.

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First Bail application Under Section 439 Cr.PC.

Present: Shri Sham Sunder, Advocate counsel for applicant.
Shri Gurbaj Singh, Additional PP for the State.

ORDER:

1. By this order, this Court intends to dispose off the present bail application under Section 439 Cr.PC having been filed by

applicant Nirvail Singh @ Nirver Singh.

2. Notice of the bail application was served upon the State through learned Additional PP alongwith copy of bail application, who received the same, appeared and contested the bail application on merits. Police record was requisitioned which has been received and perused. ASI Som Parkash CIS Staff Abohar has submitted written submission regarding previous antecedents of the applicant-accused.

3. I have heard the respective contentions of both the learned Advocates and have perused the record with their able assistance.

4. Perusal of the police file reveals that applicant was arrested on 22.10.2022 and was sent to judicial custody. Recovery of 130 gram of Heroin is stated to have been effected from his possession which recovery apparently does not fall within the ambit of commercial quantity of this contraband as has been reflected in the schedule appended with NDPS Act. The Judicial custody of the accused shall serve no useful purpose as presentation of challan and conclusion of trial is likely to take considerable period.

5. Resultantly, In view of the circumstances, this application for bail under Section 439 Cr.P.C. stands allowed. The applicant is

ordered to be released from custody on his furnishing bail bonds to the sum of Rs.50,000/- with one surety of the like amount to the satisfaction of this Court (in case of pendency of trial) or otherwise to the satisfaction of learned Area Judicial Magistrate/Duty Magistrate and subject to the following conditions:-

- A. That the applicant shall appear before the Trial Court on each and every date of hearing.*
- B. That the applicant shall not directly or indirectly induce or coerce any witness of prosecution so as to dissuade him from deposing as witness in the Court.*
- C. That the applicant shall not leave India without prior permission of the Court.*

6. Police record be returned and papers of bail application be attached with the remand papers/ main file (if any), otherwise file be consigned to record room.

**Pronounced in open Court.
Dated:20.12.2022.**

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**(Jagmohan Singh Sanghe),
Judge, Special Court,
Fazilka : UID no.PB0447**