

**IN THE COURT OF BISHAN SAROOP,
JUDGE, SPECIAL COURT, MOGA (UID No.PB00449).**

CNR No.PBMO010065432024

CIS Filing No.BA/2617/2024

Date of order : 12.11.2024

State

Versus

Sona wife of Harjeet Singh resident of Sadhan Wali Basti, Moga, Tehsil and District Moga.

---Accused-applicant

FIR No.229 dated 01.11.2024,
Under Sections :- 21/29/61/85 of NDPS Act,
Police Station :- City Moga.

Bail Application under Section 482 of B.N.S.S

Present :- Sh. G.S.Brar, Advocate for accused-applicant.
Ms. Gunwantjit Manesh, Addl. Public Prosecutor for State.

ORDER

Vide this order I shall dispose of the bail application under section 482 of B.N.S.S by accused/applicant. Record received.

2. In pursuance of the notice of the application having been issued, learned Addl. Public Prosecutor for the State has put in appearance.

3. The brief facts of the case are that present FIR has been lodged on the ground that co-accused Manpreet Singh alias Mintu was apprehended by the police party headed by ASI Charanjit Kaur and recovery of 5 grams of heroin was effected from the black colour polythene bag thrown by the co-accused Manpreet Singh alias Mithu on the earth. Accordingly, FIR was registered. Thereafter, the present applicant-accused has been nominated in this case under Section 29 of NDPS Act during the interrogation of co-accused Manpreet Singh alias Mithu. The applicant-accused could not be arrested. Now apprehending his arrest, the accused-applicant has filed the present pre-arrest bail application.

4. I have heard learned counsel for the applicant-accused as well as learned Additional Public Prosecutor for the State.

5. Today ASI Bhupinder Singh has come present and suffered his separate statement that he has brought the record of present bail application. As per record, this is first bail application of the accused/applicant under Section 482 of BNSS Act. The accused/applicant has been nominated in the present case during the interrogation of co-accused Manpreet Singh alias Mithu. Three other criminal cases under NDPS Act are registered against the accused/applicant.

6. Present FIR was lodged against co-accused Manpreet Singh alias Mithu and from his possession, 5 grams of heroin had been recovered. On the basis of statement of co-accused Manpreet Singh alias Mithu, accused/applicant Sona was nominated in this case under Section Section 29 NDPS Act. As per case of police, co-accused Manpreet Singh alias Mithu told the police during investigation that he has purchased the aforesaid heroin from accused/applicant. Thereafter, accused/applicant was nominated in this case under Section 29 of NDPS Act. Hon`ble High Court of Punjab & Haryana in ***Vijay Singh Versus State of Haryana, (CRM-M-55539-2022 decided on 06.12.2022)*** has observed that anticipatory bail cannot be granted to the accused, who has been named in disclosure statement of arrested accused by relying upon the judgment of Hon`ble Supreme Court in ***State of Haryana Versus Samrath Kumar, 2022(3) RCR(Criminal) 991***. Moreover, as per record, three other criminal cases under NDPS Act are also registered against the accused/applicant. In these circumstances, custodial interrogation of applicant-accused is necessary to ascertain, from whom, accused/applicant used to procure above said heroin. Considering the serious nature of the offence as well as fact that accused/applicant being a habitual offender, no case is made out for grant of anticipatory bail to the accused/applicant. Consequently, the instant bail application is hereby dismissed. File be tagged with remand papers.

Pronounced.

Dated :- 12.11.2024

Sunny Stenographer-II

(Bishan Saroop)

Judge, Special Court,

Moga (UID No.PB00449).

Present :- Sh. G.S.Brar, Advocate for accused-applicant.
Ms. Gunwantjit Manesh, Addl. Public Prosecutor for State.

Police file received and perused. Arguments heard. Vide my separate order of even date, the present bail application stands dismissed. Papers be attached with relevant record.

Pronounced.

Dated :- 12.11.2024

Sunny Stenographer-II

(Bishan Saroop)
Judge, Special Court,
Moga (UID No.PB00449).