

State vs Jagdeep Singh etc

FIR no. 211 dated 25.10.2020

U/s 15, 25, 62, 85 NDPS Act

PS Boha

Present: Shri Munish Bansal, APP for the State (Through VC)

Accused Jagdeep Singh and Gurbachan Singh in police custody produced by ASI Bhupinder Singh, PS Boha and represented by Sh V.K.Goyal, Advocate

An application filed under section 52-A NDPS Act. Heard. One parcel allegedly containing 1 Killogram of Poppy husk produced before me being duty magistrate bearing seal "RS" and "BS" produced. Seals were seen and found to be intact. Thereafter seals were ordered to be broken. On request of ld counsel for the accused the produced parcel of Poppy Husk was again weighed in the court and it came out to be 968grams without polythene bag. Statement of IO ASI Bhupinder Singh to that effect has also been recorded sepaerately regarding weight of poppy husk. Thereafter from the poppy husk, two parcels each containing 100 grams Poppy Husk have been prepared. Thereafter, parcels of samples were prepared and sealed with the seal of undersigned bearing impression "APS". Parcel of the remaining case property were prepared and sealed with the seal of undersigned bearing impression "APS". Three sample seals were also prepared and duly attested by the undersigned. Forms no. 29 were also prepared and duly attested by the undersigned. Samples, parcel of case property, Form no. 29 and sample seals were handed over to the investigating officer.

The undersigned is satisfied that the above inventory is as per the seizure documents and the consignment of the seized goods related to the case presented before me. Thus, I certified the correctness of the above inventory.

Application has also been filed seeking permission for disposal of the

remaining case property. However, the application for disposal of the case property is required to be filed within 30 days after receiving of chemical analysis report of seized drug, psychotropic substances or controlled substances. Therefore, the present application is not maintainable at this stage before this court and accordingly same is disposed of with direction to move fresh application in this regard at appropriate stage.

A copy of this order be supplied to the Investigating Officer for compliance.

Ajay Pal Singh, PCS
SDJM/Budhlada (D)
(UID:PB0325)

Date of Order : 26.10.2020
Vinit

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The accused Jagdeep Singh and Gurbachan Singh produced before me being Duty Magistrate. Request for Judicial Remand made. Remand papers be registered. On the other hand, Ld defence counsel has moved an application for releasing them on bail. Copy supplied. The Ld APP for the state does not want to file any reply, however he orally contested the bail application. Heard. It has been alleged in the FIR that accused were found in possession of Poppy Husk weighing one Kilogram alongwith polythene bag. Ld counsel for the accused has argued that the quantity of the contraband is to be considered as small as the same is less than one kilogram without polythene bag. He further requested to weigh the case property in the court. In view of the request the bag containing contraband is opened and weighed in the court in the presence of IO and accused alongwith their counsel. After weighing the case property comes out to be 968 grams without poythene bag. IO ASI Bhupinder singh has also suffered a statement to the effect that the weight of poppy husk came out to be 968 grams after weighing in the court without polythene bag. As only small quantity of 968 Gm poppy husk has been allegedly recovered from the possession of the accused

therefore the offence in present case is triable by the Court of Judicial Magistrate First Class and by considering the punishment provided for the offence under **section 15** NDPS Act qua small quantity, I find that no useful purpose would be served by sending the accused behind the bars and by relying upon the judgment passed by the Division Bench of Hon'ble Kerala High Court in a case titled as ***Shaji vs Kerala State cited as 2004(4) RCR(Criminal) 643***, the accused are admitted on bail subject to furnishing personal bail bonds for an amount of Rs.50000/- alongwith one surety of like amount.

Learned counsel for the applicants-accused has submitted that accused are not able to arrange sureties and they be released on furnishing personal bonds. Heard. In view of the prevailing situation in the country on account of the outbreak of pandemic Covid-19, the Hon'ble Punjab & Haryana High in case titled as Ishu Grover alias Ishu Vs. UT Chandigarh and another CRM-M-11952-2020 (O&M) directed all the subordinate courts in the State of Punjab and Haryana, U.T. Chandigarh to release the accused who has already been granted bail either by the Hon'ble High Court or by Subordinate Court on bail on furnishing personal bond without enforcing the condition of surety bonds/bail bonds. It is further directed that condition can be laid down that when the situation turns to be normal, the accused would be bound to furnish surety/bail bonds. The accused have already furnished undertaking to that effect. In view of this, accused are admitted to bail on furnishing personal bonds of Rs.50,000/- each with condition that when the situation turns to normal, they would be bound to furnish surety bonds/bail bonds. Necessary bonds furnished which are accepted and attested. The accused be released

from custody. Now to come upon 24.12.2020 for awaiting challan. Papers be sent to the concerned court immediately.

Ajay Pal Singh, PCS
SDJM/Budhlada
(UID:PB0325)Duty

Date of Order : 26.10.2020
Vinit