

PBHOA10024862022



Presented on : 23-12-2022
Registered on : 23-12-2022
Decided on : 02-01-2023
Duration : 0 years, 0 months, 10 days

IN THE COURT OF
Sub Divisional Judicial Magistrate
AT Dasuya, Hoshiarpur
(Presided Over by Parminder Kaur Bains)
BA/242/2022

FIR No. 200 dated 17.12.2022

U/s 15 of NDPS Act.

P.S. Dasuya.

State Vs Balbir Singh

Present: None for the accused.
Sh. Bharat Sahota, Ld APP for the State.

1. Heard on application for regular bail filed on behalf of accused applicant **Balbir Singh** wherein it is averred that the accused is innocent person and has falsely implicated in the present case. It is further alleged that accused was arrested on 17.12.2022 by the police of PS Dasuya and since then he is in custody since long in the present case. It is alleged that no useful purpose will be served by keeping the accused/applicant behind the bars for such a long period. In the end prayer is made that accused/applicant be released on bail.

2. Notice of this bail application was issued to I.O. to file reply as well as to Ld APP for the State for confirmation of the State reply filed by the I.O.

3. ASI Jasvir Singh No. 1014, P.S Dasuya, has come present in the court and stated that he is investigating officer in this. He stated that after the registered of FIR, no offence is added or deleted. He further stated that he has not produced the police record in any bail application of accused Balbir Singh in the court of Sessions or in the Hon'ble Punjab and Haryana High Court in the present case. He further stated that one another FIR no. 12 dated 28.1.2020 u/s 15-61-85 of NDPS Act is also registered at PS

Dasuya against the accused Balbir Singh.

4. Upon notice, learned APP for the State, appeared and suffered statement that relying upon the statement of I.O. ASI Jasvir Singh no bail application against the accused is pending before any appellate court in this case. Ld APP for the State argued that accused is not entitled for concession of bail and a prayer is made that bail application of accused be dismissed.

5. Today, none has appeared on behalf of accused. Therefore, the present bail application of accused Balbir Singh is decided as per document on record after hearing Ld APP for the State.

6. Record perused. Perusal of record reveals that the present FIR bearing no. 200 dated 17.12.2022 U/s 15 of NDPS Act, P.S Dasuya was registered against the accused Balbir Singh, wherein it is alleged that 2 K.G of Poppy Husk were recovered from the aforesaid accused on 17.12.2022. It is also clear from the record that the accused is in custody since 17.12.2022. However, at the same time it is to be appreciated that the quantity of recovery so allegedly effected from the accused do not falls within 'small quantity', rather the same is falls within 'medium quantity'. Accordingly, this court does not deem it fit to grant concession of bail to the accused and the present bail application is also not maintainable before the undersigned and stands disposed of accordingly. Papers be sent to the Ld Special Court, Hoshiarpur for the date fixed i.e. 03.01.2023.

Pronounced in the Open Court.

Date : 02.01.2023

Kulwinder Singh

Stenographer-II

(Parminder Kaur Bains)

SDJM/Dasuya

UID NO. PB0346