

Usha vs State of Punjab

BA/100 of 2023

Present: Sh. Amanbir Singh Dhillon, Adv. Counsel for the applicant.
Sh. Gaurav Diwan, APP for the State.

Accused/applicant has come to this court for the grant of interim bail in case FIR No. 201 dated 13.12.2022 u/s 21/61/85 NDPS Act registered at police station City Patti.

Police record produced but chemical report in respect of alleged recovery of 50 grams Heroin in the present accused has yet not been received. Accused is in custody since 13.12.2022 and she has accordingly filed an application praying for her release on interim bail.

Heard. In this case, on perusal of records, it is found that accused/applicant Usha apprehended by police on 13.12.2022 and so far report of chemical examiner is not received regarding salt contained therein, though period of more than two months has elapsed. Accused/applicant seeks her release on interim bail on the basis of law laid down in **Inderjit Singh @ Laddy vs. State of Punjab 2014 (3)-RCR (Criminal) -952** wherein Division Bench of our own Hon'ble High Court has been pleased to hold that if matter is being unnecessarily delayed due to non receipt of FSL report, Special Court may release accused/applicant on interim bail till the receipt of report of chemical examiner. Even otherwise, in the absence of chemical report, it cannot be said that the alleged intoxicant claimed to have been recovered from the possession of accused contained any sort of Narcotic Drug or Psychotropic Substance;

Consequently, applicant-accused is ordered to be released on interim bail on her furnishing personal bail bonds in the sum of Rs. 50,000/- with

one surety of the like amount subject to following conditions:-

1. That she shall attend court on each and every date of hearing.
2. That she shall not commit an offence similar to the offence of which she is accused, or suspect of the commission of which she is suspected.
3. That she shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade she from disclosing such facts to the court or to any police officer or tamper with the evidence.
4. That she shall not leave the country without prior permission of the court.
5. This order will remain operative subject to the receipt of report from Chemical Examiner as to contents of intoxicating substance and in the event of the contents of intoxicant substance being found to be commercial quantity, this order of interim bail shall become inoperative.

Bail application stands adjourned to 28.02.2023 for awaiting chemical examiner report. Papers be attached with the regular bail application.

**Announced in open Court
16.01.2023**

**Rakesh Kumar Sharma
Judge Special Court,
Tarn Taran. UID No. PB0133**