

**IN THE COURT OF KANWALJIT SINGH BAJWA,
(UID No.PB-0059)
JUDGE, SPECIAL COURT,
SHAHEED BHAGAT SINGH NAGAR.**

PBSB010036372022



BA No.	:	383/2022
CIS no.	:	BA/1056/2022
CNR no.	:	PBSB010036372022
Presented on	:	03.10.2022
Registered on	:	03.10.2022
Date of Decision	:	06.10.2022

Vishal Kumar son of Madan Lal, aged 25 years, resident of Ward No.1, Balachaur (Siana), Tehsil Balachaur, District Shaheed Bhagat Singh Nagar.

....Accused/applicant.

Versus

State of Punjab

FIR No.21 dated 28.03.2022.
under Sections: 21 of NDPS Act,
Police Station: City Balachaur

First Bail application under Section 439 Cr.P.C.

Present: Sh.Rajinder Singh, Advocate counsel for the accused/applicant.
Sh.Satnam Singh, Public Prosecutor for the State.

ORDER

Accused/applicant Vishal Kumar son of Madan Lal, has sought regular bail under Section 439 Cr.P.C. in the aforesaid FIR.

2. Brief facts as mentioned in the FIR are that on 28.03.2022, accused/applicant was apprehended by ASI Karamjit Singh with the help of

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other police officials on the basis of suspicion, which ultimately led to the recovery of 05 grams of heroin, from the concession possession of the applicant, which was taken into police possession by converting the same into parcel.

3. It has been contended by the learned counsel for the accused/applicant that no offence is made out against the accused/applicant. The police has falsely implicated the accused/applicant. Nothing has been recovered from the accused/applicant. The accused/applicant is coming into custody since 28.03.2022. As such the accused/applicant is entitled to be released on bail.

4. On the other hand, the learned Public Prosecutor for the State has contended that in view of the quantity of the recovered contraband, the accused/applicant is not entitled to be released on bail.

5. I have considered the aforesaid contentions raised by learned counsel for the accused/applicant, as well as learned Public Prosecutor for the State and have also gone through the investigation file.

6. As per case of the Investigating agency contraband in the shape of Heroin weighing 05 grams, was recovered from the conscious possession of the applicant/accused. The recovery has already been made and the applicant/accused is coming into custody since 28.03.2022. The contraband in the shape of Heroin weighing 05 grams, falls within non commercial quantity as provided in Table as annexed in the NDPS Act and as such bar under Section 37 of the Act would not operate against the present

applicant/accused. Investigation has not been completed so far and it will take sufficient long time for presentation of challan, the trial commences and concludes. The applicant/accused cannot be kept behind the bar for an indefinite period. Accordingly, having regard to the alleged facts and circumstances of the case, the applicant/accused is ordered to be released on bail on his furnishing bail bond and surety bond to the tune of ₹25,000/-with one surety of the like amount, to the satisfaction of learned Illaqa Magistrate/Duty Magistrate, subject to the following conditions: –

- (i) that he will appear on each and every date of hearing before the Court;
- (ii) that he will not tamper with the prosecution evidence;
- (iii) that he will not win over the witnesses, who are acquainted with the facts of the case;
- (iv) that he will not leave India without prior permission of the Court and
- (v) that he will not misuse the concession of bail.

Copy of this order be sent to the Court of learned Illaqa Magistrate/Duty Magistrate for information and necessary compliance. Bail application file be consigned to the Record Room.

Pronounced in open Court.
Dated:06.10.2022

Yashwinder Gandhi-Stenographer-Gr.I

Kanwaljit Singh Bajwa,
Judge, Special Court,
Shaheed Bhagat Singh Nagar.
(UID no.PB0059)