

**In the court of Kewal Krishan,
Judge, Special Court, Ferozepur (UID No.PB-0182).**

Case Type	Bail Application.
CIS No.	BA/1077/2023.
CNR No.	PBFZ01002948.
Date of order	04.05.2023.

Saleem aged 30 years son of Resham Singh, resident of village Daulatpura, Arif Ke, Tehsil & District Ferozepur.

.....Applicant-accused.

Versus

State of Punjab

.....Respondent.

**FIR No.231 dated 25.09.2022.
U/S: 21 of the Narcotic Drugs & Psychotropic
Substances Act, 1985.
Offences punishable under Sections 25 & 29 of
this Act were added later on.
Police Station Special Task Force Phase-4, Mohali
District SAS Nagar.**

Application for bail under Section 439 of the Code of
Criminal Procedure.

Present: Sh. S.S. Sandhu Advocate, counsel for applicant.
Sh. Keemat Singh Addl. Public Prosecutor for the State
with ASI Baljinder Singh.

ORDER

The accused/applicant has filed the instant application under Section 439 of the Code of Criminal Procedure. Record of investigation has been produced by ASI Baljinder Singh.

2. Arguments are heard. Arguments are heard. Learned counsel for the applicant has argued that the applicant is innocent and has been falsely implicated in the present case. He has no concern with the recovery alleged to have been made from the co-accused Jatinder Bhandari and Major Singh. He has been nominated as accused under Section 25 of the NDPS Act being owner of the motorcycle allegedly recovered from accused Jatinder Bhandari. Accused Jatinder Bhandari is the husband of his sister. Said motorcycle was gifted by the applicant to his sister in her marriage with accused Jatinder Bhandari, but its registration certificate remained in his name. The applicant has not committed any offence. The applicant is in custody since 31.03.2023. Presentation of challan and conclusion of trial will take long time. No useful purpose would be served by detaining him any more in custody. The applicant undertakes to abide by the conditions, if imposed by this Court and he may kindly be granted concession of regular bail.

3. On the other hand, Learned Addl. Public Prosecutor for the State hotly contested the application and argued that it is a case of recovery of 108 gram Heroin from the conscious possession of co-accused Jatinder Singh and Major Singh. The applicant is the owner of the motorcycle on which the said accused were travelling at the time of their apprehension. Though, the recovery in this case falls under the non-commercial quantity, but the applicant is not entitled to get concession of regular bail.

4. This Court has heard the learned counsel for the applicant, learned Addl. Public Prosecutor for the State and has gone through the record carefully. As per prosecution version, on 25.09.2022, co-accused Major Singh and Jatinder Bhandari were apprehended by the police party

on suspicion while they were coming on motorcycle bearing registration No.PB-05AP-5198. On search of the polythene bag thrown by accused Jatinder Bhandari on the road, 108 gram Heroin was recovered. Later on, Munish Prabhakar and Balwinder Singh alias Mithan, who were confined in Central Jail, Ferozepur, were nominated as accused and offence punishable under Section 29 of the NDPS Act was added vide Rapat No.8 dated 30.09.2022. During investigation, it was found that the applicant is the registered owner of the motorcycle, on which accused Jatinder Bhandari and Major Singh were travelling at the time of their apprehension by the police party. Accordingly, the applicant was nominated and offence punishable under Section 25 of the NDPS Act was added vide Rapat No.15 dated 05.01.2023. He was arrested on 31.03.2023 and since then he is in custody.

5. The applicant is in custody since 31.03.2023. Co-accused Jatinder Bhandari and Major Singh have already been granted regular bail by this court. It is a case of recovery of non-commercial quantity of intoxicating substance. Completion of investigation, presentation of challan and conclusion of trial will take sufficient time and no useful purpose would be served by detaining him in custody. In these circumstances, this Court is of the considered view that the applicant is entitled to get concession of bail. Therefore, his application is allowed and he is ordered to be released from custody on furnishing his personal bail bond in the sum of Rs.1,00,000/- (One Lac) with one surety in the like amount to the satisfaction of Illaqa Judicial Magistrate/Duty Magistrate at Ferozepur subject to the following conditions:-

- (I) That the applicant shall not leave the country without the prior permission of the Court;
- (II) That the applicant shall make himself available for interrogation by the Investigating Officer as and when required;
- (III) That the applicant 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 him from disclosing such facts to the Court or to any police officer;
- (IV) That the applicant shall regularly attend the hearings before the trial Court.

The Illaqa Judicial Magistrate/Duty Magistrate is directed to send the bail/surety bonds along with relevant documents after accepting and attesting the same to this court. A copy of this order this order be sent to learned court of Illaqa Judicial Magistrate forthwith. **Ahlmad is also directed to send soft copy of this order by e-mail to the concerned Jail Superintendent for compliance of order dated 31.01.2023 of Hon'ble Supreme Court passed in SMWP (Criminal) No.4/2021.** Record of investigation be returned. File of this bail application be attached with the file of remand papers.

Announced in open court.

Dated : 04.05.20232.

anil kumar

Stenographer Grade-II

sd/-

(Kewal Krishan)

Judge, Special Court, Ferozepur
(UID No. PB0182)