

**In the Court of Jaspinder Singh(UID No.PB0148),
Judge, Special Court-cum-Additional Sessions Judge,
Amritsar.**

CNR No: PBAS010153662018.
Registration No: BA/10733/2018.
Instituted on: 29.10.2018.
Date of order: 03.11.2018.

State Versus Gurpreet Singh alias Gopi son of Balwant Singh r/o Pati
Kile Di Varpal, PS Chatiwind,Amritsar.

.....Accused/applicant.

FIR No: 183 of 18.10.2018.
Under Section: 22/61/85 of NDPS Act.
Police Station: Chatiwind,Amritsar.

Present:- Sh.Kanwaljit Singh,Advocate, counsel for the applicant-
accused.
Mrs.Anju Sharma,Addl.P.P for the State.

ORDER:

1. This order of mine shall dispose of **1st** bail application u/s.439 of Cr.P.C filed on behalf of accused-applicant for grant of bail.
2. The applicant/accused has filed the present bail application on the averments that applicant is innocent and has been falsely implicated. The applicant was arrested in this case on 18.10.2018 and is in judicial custody. As per story of the police, 52 intoxicant tablets have been recovered from the applicant. No gazetted officer was called at the spot at the time of alleged recovery. No independent witness was joined at the spot. The applicant was

arrested from the house and falsely implicated in this case. The trial of the case will take a long time and no useful purpose will be served in keeping the applicant in judicial lock up. The applicant will abide by all terms and conditions imposed by the Court. Hence, this application.

3. Upon notice issued to State, Addl.PP for the State has appeared. ASI Mohinder Singh has come present alongwith record.

4. I have heard counsel for the applicant-accused and Addl.PP for the State and gone through the file very carefully.

5. In the present case the accused/applicant is in custody since the date of his arrest on 18.10.2018. Alleged recovery of 52 intoxicating tablets has already been effected. As per police record, the report of Chemical Examiner has not been received. So at this stage, it is not ascertainable whether quantity of Psychotropic Substance recovered from the accused is commercial or non commercial quantity. The applicant cannot be kept in custody for indefinite period. So I am of the opinion that in this case conditional order of release of the applicant on bail should be passed, granting him the interim bail with the condition that on the receipt of report of Chemical Examiner if the quantity of psychotropic substance comes out to be commercial quantity, then he should surrender before the trial Court and his bail be deemed to be cancelled. As such in view of above discussion, accused/applicant is ordered to

be released on interim bail on furnishing personal bail bond in the sum of Rs.70,000/- with one surety in the like amount subject to the condition that if on receipt of report of Chemical Examiner psychotropic substance recovered from the applicant comes within the ambit of commercial quantity, then his this bail will come to an end and applicant will surrender before the court and he will be sent to judicial lock up. Further the bail is granted subject to following conditions:-

1. That accused/applicant shall appear in the court on each and every date of hearing;
2. Accused/applicant will not tamper with the prosecution evidence;
3. Accused/applicant will not leave the country without prior permission of the court.

Police file be returned. Papers of present bail application be attached with the pending record of this Court, concerning the present case.

Pronounced in open Court.
Dt: 3.11.2018.

(Jaspinder Singh),
Additional Sessions Judge,
Amritsar.
UID No. PB0148.