

**In the court of Kewal Krishan,
Judge, Special Court, Ferozepur (UID:PB182)**

Case Type	Bail Application.
CIS No.	BA/1076/2023.
CNR No.	PBFZ010029382023.
Date of order	28.04.2023.

Jagraj Singh aged 24 years son of Ranjit Singh, resident of Dairh Pir Road, Ward No.2, Mudki, Tehsil and District Ferozepur.

.....Applicant-accused.

Versus

State of Punjab

.....Respondent.

FIR No.59 dated 03.07.2022. U/S: 22 of the Narcotic Drugs & Psychotropic Substances Act, 1985. Offence punishable U/S 29 of this Act was added later on. Police Station: Ghall Khurd.
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First application 438(i) of the Code of Criminal Procedure.
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Present: Sh. H.C.Kamboj Advocate counsel for the applicant.
Sh. Keemat Singh Addl. Public Prosecutor for the State
with ASI Sukhwinder Singh.

ORDER

1. Apprehending his arrest, the applicant has filed the instant application under Section 438 of the Code of Criminal Procedure for grant

of anticipatory bail. Record of investigation is produced. File of the trial pending against the co-accused is also taken up.

2. 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 was not named in the FIR. He has been nominated as accused on the basis of statement of the co-accused made during interrogation, which is inadmissible in evidence. The alleged recovery has already been made from the co-accused and nothing is to be recovered from the applicant. The custodial interrogation of the applicant is not required and he is ready to join the investigation. He will not make any kind of threat or inducement to any person, who is acquainted with the facts of the case. Thus, the applicant may kindly be granted concession of pre-arrest bail.

3. On the other hand, Learned Addl. Public Prosecutor for the State hotly contested the application and argued that recovery of 300 loose intoxicating tablets was made from conscious possession of accused Kiranjit Singh @ Kinnu son of Surjit Singh on 03.07.2023. The applicant was nominated as accused on the basis of the statement of said accused. In view of gravity and nature of the offence, he is not entitled to get the concession of anticipatory 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, accused Kiranjit Singh @ Kinnu son of Surjit Singh was apprehended by the police party and recovery of 300 loose intoxicating tablets was made from his conscious possession on 03.07.2023. The applicant was nominated in this on the basis of disclosure statement of said accused Kiranjit Singh and offence under Section 29 of the NDPS Act was added vide Rapat No.21 dated 05.07.2022. After completion of investigation qua co-accused Kiranjit Singh, report under Section 173 Cr.PC against him was presented on 21.02.2023. As per report of FSL, salt Tramadol Hydrochloride was found to be contained in the tablets sent for chemical analysis. The weight of each tablet was found as 355.91 mg. and total weight of the recovered intoxicating tablets comes to 106.77 gram. As per NDPS Act, the recovery falls in the category of non-commercial quantity.

5. Recovery has already been made from co-accused. Keeping in view all aspects, this court deems it appropriate to allow the applicant to join the investigation. Thus, he is granted interim anticipatory bail with a direction to appear before the Investigating Officer and join the investigation within a period of 5 days and in the event of his arrest, he be

released on furnishing the personal bonds in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the Investigating Officer/Arresting Officer. This bail order is subject to the following conditions:

- I) That the applicant shall join the investigation as and when called by the Investigating Officer;
- II) 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/her from disclosing such facts to the Court or to any police officer;
- III) That the applicant shall not leave the country without prior permission of the court.

Now, to come up on 04.05.2023 for awaiting report of Investigating Officer.

Dated : 28.04.2023.
anil kumar
Stenographer Grade-II

sd/-
(Kewal Krishan)
Judge, Special Court
Ferozepur (UID No. PB0182)