

In the court of Shri Kuljit Pal Singh, Judge, Special Court, Jalandhar

BA No.10763/2018

CNR NO. PBJL010142562018

Date of order:4.10.2018

Onkar Singh aged about 25 years son of Mohan Lal R/o Village Talwandi
Kalan PS Ladowal District Ludhiana.

Vs.

State.

FIR No. 359 dated 6.10.2017
U/s 22/61/85 of NDPS Act.
PS Phillaur.

Bail application under section 439 Cr.Pc

Present:- Sh. Anupam Pathania Adv for the petitioner.
Sh. Sachin Azad Addl.PP for the state.

1. This order of mine will dispose of an application under section 439 Cr.Pc filed by the applicant/accused.

2. FIR in this case has been registered against the accused that IO apprehended the applicant/ accused at Cremica Mour Phillaur and from his possession 120 gms intoxicant powder was recovered . Thereafter accused was released on interim bail . After the receipt of the report of chemical examiner, as the intoxicant powder recovered from the accused contains Alprazolam which falls in commercial quantity . As such, the accused was taken into custody on 27.7.2018 and his interim bail and regular bail was dismissed . Hence, this application.

3. Notice of the application was issued to the respondent/State. Sh. Sachin Azad, Addl. PP for the state, is present and opposed the same. Police record was also called and produced.

4. Ld counsel for the accused argued that applicant/accused has been falsely implicated in the abovenoted case . The false and frivolous allegations are leveled in the abovenoted FIR. He filed the second bail application on the ground that now , he is in custody since 27.7.2018 . The mandatory provisions of NDPS Act has not been strictly complied with . Hence prayed for grant of regular bail to the applicant/accused.

5. I have heard ld. counsel for applicant/accused, ld.Addl.P.P for the State and with their able assistance, perused the record.

6. Record perused. As the first bail application of the accused has already been dismissed vide order dated 27.7.2018. Recovery effected from the accused i.e 120 gms intoxicant powder contained Alprazolam , which also falls in commercial quantity. As such, the second bail application of the accused is also hereby ordered to be dismissed .

7. Papers be attached with the main challan.

Note: Certified that all the two pages of this order are signed by me and have been dictated and typed directly on computer.

Pronounced
4.10.2018
(Dimple Khosla)

(Kuljit Pal Singh)
Judge, Special Court,
Jalandhar.

Present:- Sh. Anupam Pathania Adv for the petitioner.
Sh. Sachin Azad Addl.PP for the state.

Record produced. Arguments heard. Vide my separate detailed order of even date, the bail application of accused has been dismissed and file be consigned to the Record Room.

Pronounced
4.10.2018
(*Dimple Khosla*)*

(Kuljit Pal Singh)
Judge, Special Court,
Jalandhar.