

Lala Singh Vs. State of Punjab.

**Registration No.1037 of 21.04.2022
CNR No. PBSG01-002663-2022**

FIR No. 42 dated 23.03.2022
Under Section 15, 29/61/85 of NDPS Act.
P.S. Sadar Ahmedgarh.

Application under Section 439 Cr.P.C.

Present: Sh.S.S.Grewal counsel for the bail-applicant.
Sh.Mohd. Hasib, Addl. PP for the State.

ORDER:

1. The present regular bail application has been filed by applicant Lala Singh son of Jangir Singh in FIR no. 42 dated 23.03.2022, under Section 15, 29/61/85 of NDPS Act, P.S. City Dhuri.
2. Notice of the bail application was issued to the State through ld. Addl. PP and record of the case has been requisitioned.
3. The counsel for the bail-applicant has argued that false case has been planted against the present applicant. No incriminating article was recovered from the applicant. He is in custody since long. The presentation of the challan and conclusion of the trial is going to take considerable long time. No useful purpose would be solved by keeping the applicant under incarceration. On these grounds he has prayed for allowing the bail application.
4. The ld.Addl.PP for the State has contested the bail

application on the ground that FIR was registered against Lala Singh and Baldev Singh on secret information and 20 kgs of poppy husk has been recovered from the car which was driven by Lala Singh and other occupant of car was Baldev Singh, who was sitting next to the driver seat. During investigation, he has suffered disclosure statement that they have purchased 80 kgs of poppy husk and 30 kgs of poppy husk has been supplied to Babli Kaur and 30 kgs has been supplied to Kuldeep Singh.

5. As per the FIR version the same was got registered on the basis of secret information that Lala Singh son of Jangir Singh and Baldev Singh @ Bindu son of Soma Singh are indulged in smuggling of poppy husk and today both Lala Singh and Baldev Singh @ Bindu will come through village Khanpur towards nearby villages for the purpose of selling poppy husk in the car of Lala Singh bearing registration no.DL-03CBJ-2153 Make Ritz and if checkpost be laid on the drain bridge metalled road in the area of village Khanpur then they can be apprehended. Finding information to be credible, ruqa was sent for the registration of FIR.

6. Perusal of the record reveals that picket was laid by the police party after receiving the secret information at the disclosed place and while they were checking the vehicle then from the side of village Khanpur one car was seen coming towards village Saraud and when the car reached near the drain bridge, then on seeing the police party the driver of the car tried to turn back the car but the engine of car stopped. I.O apprehended two persons sitting in the car and on enquiry driver of

the car disclosed his name as Lala Singh son of Late Jangir Singh resident of Outer Vehra Bagrian and the person sitting on the seat next to the driver seat disclosed his name as Baldev Singh @ Bindu (present applicant) son of Soma Singh resident inner Vehra Bagrian. One checking the car, one plastic bag was lying on the rear seat of car and mouth of the bag was open and poppy husk was visible in the same and on weighment the same came to be 20 kgs of poppy husk. The counsel for the State submitted that during investigation, Lala Singh has suffered disclosure statement that they have purchased 80 kgs of poppy husk and 30 kgs of poppy husk has been supplied to Babli Kaur and 30 kgs has been supplied to Kuldeep Singh. Be that as it may, the present applicant is in custody since 23.03.2022. The recovery has already been effected and the contraband so recovered falls under intermediate in quantity. The presentation of the challan and conclusion of the trial is to take sufficient long time. No useful purpose would be solved by keeping the applicant under incarceration. Accordingly, bail application is allowed and the accused/applicant is admitted to bail on his furnishing bail bonds in the sum of Rs.50,000/- with one local surety in the like amount, to the satisfaction of **Illaqa/Duty Magistrate, if he is not required in any other case**. Learned Illaqa/ Duty Magistrate accepting and attesting the bail bonds, shall ensure that the provision of Section 441-A of Cr.P.C are complied with, subject to the following conditions:

1- That he shall not directly, or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him from disclosing such facts to the Court or to any police officer.

2- That he shall not leave the country without prior permission of the court.

3- That he shall appear before the Court on each and every date.

Anything stated herein-before will not be construed as opinion on the merits of the case.

Police file be returned. Papers be tagged with the main file/remand papers.

Pronounced in open Court on 26.04.2022.
Kulwant Singh Stenographer-1.

Smriti Dhir
Judge, Special Court
Sangrur (UID No.PB0518).