

IN THE COURT OF SH. **SANDEEP SINGH JOSSAN (PB0150)**,
JUDGE SPECIAL COURT, HOSHIARPUR

B.A. No. 1021/2023
CNR No. PBHO010030292023
Decided on: 15.04.2023

State of Punjab

Versus

Bharat Adya son of Jaspal r/o H. No.217, Arayan Mohalla Khanpuri Gate, near
Purani Sabzi and P.S. City, Hoshiarpur.

FIR No. 43 dated 25.2.23,
U/s 21-B of NDPS Act,
P.S. Sadar, Hoshiarpur (Special Task Force)

Present: Sh RS Bhogal, cl for the accused.
Addl. PP for the State.

ORDER

1. This order of mine shall disposed of application filed by the petitioner for grant of interim bail in case F.I.R. No. 43 dated 25.2.23, u/s 21-B of NDPS Act, P.S. Sadar, Hoshiarpur (Special Task Force).

Story of the prosecution is that Special Task Force, Mohali had nabbed three persons coming on Bullet motorcycle on the basis of suspicion and they told their names as Haqeeqat Singh @ Honey, Pawan Khosla and Bharat Aadia and from the search of tool-box of the motorcycle from a transparent waxed envelope brown coloured powder and lump type article found and on asking the said persons they told that the same is heroin, which on measurement came to be 100 gram.

2. Learned counsel for the accused submitted that accused/ applicant is innocent and has been falsely implicated in this case. The co-accused are already on bail. That, the alleged recovery falls within the ambit of non-commercial quantity. That, he is in custody since 25.2.23, whereas he has not

committed any offence. That, no useful purpose will be served by keeping the accused behind bars and it will take long time to produce the challan.

3. I have heard learned counsel for the accused, learned Addl. Public Prosecutor for the State and have gone through the file carefully.

As per FIR in question, in this FIR accused was found in conscious possession of 100 gram powder from their bullet motorcycle. The nature of recovery can be ascertained only after receiving the report of Chemical Examiner. The accused is in custody since 25.2.23. As such, keeping in view the period of custody, the grounds mentioned in the bail application and the fact that the report of Chemical Examiner is yet to be received, the accused is granted interim bail till the date of receiving Chemical report on furnishing his bail bond in the sum of Rs.50,000/- with one surety in the like amount. It is made clear that in case, on receiving chemical report, the quantity recovered from the possession of the accused is found to be in commercial in nature, then, the bail order passed by this court today, shall stand cancelled automatically and the accused shall be required to surrender in the court. With these observations bail application under reference stands disposed of.

Accused shall not leave India without prior permission of the court; The accused shall continue appearing in Court unless appearance is specifically exempted.

Copy of this order be placed with the remand papers and this file be consigned to the record room.

Pronounced:
15.04.2023

Sandeep Singh Jossan
PB0150
JSC/ Hoshiarpur.

*typed by Mukesh Chander,
Stenographer Gr-I*