

**In the Court of Shri Shiv Mohan Garg, UID No.PB0164,
Judge, Special Court,
Amritsar.**

B.A. No. : 96 of 2018.
CNR No. : PBAS010029452018
CIS No. : BA/1009/2018
Date of Institution : 06.03.2018
Date of Order. : 14.03.2018.

S T A T E

vs.

Rajwinder Singh s/o Nanak Singh r/o Village Pheruman, Khilchian, Amritsar.

FIR no.17 dated 17.02.2018
U/s 21/22/61/85 NDPS Act.
P.S. Khalchian Amritsar.
Ist Bail application u/s 439 Cr.P.C.

Present: Shri C.S.Kad, Advocate, Counsel for the applicant.
Shri Shivraj Singh Sran, Additional PP for the State.

ORDER :

1. The present bail application has been moved on behalf of applicant-accused under section 439 Cr.P.C. Notice of which was given to learned Additional PP.
2. As per prosecution version on 17.02.2018 a police party headed by ASI Jasbir Singh apprehended the accused with 100 intoxicating tablets in the area of Village Ghuman. FIR was registered and accused/applicant was arrested.
3. The learned counsel for the bail applicant argued that false FIR has been registered against him and nothing has been recovered from him. There is no compliance of section 50 of NDPS Act and the section 37 of the NDPS Act is not attracted. Conclusion of investigation and presentation of challan will take long time. Prayer is made for releasing him on bail.
4. Whereas the learned Additional PP has opposed the bail application stating that keeping in view the gravity of matter accused is not entitled to concession of bail.
5. Heard. Record perused. As per record 100 intoxicating tablets are recovered from the accused. However, report of chemical examiner has not been received as yet. The accused-applicant is in custody since 17.02.2018. Without report it

cannot be ascertained as to which salt was recovered and whether the recovered quantity is commercial or non-commercial. In the judgment passed by Division Bench of Honourable Punjab & Haryana High Court in case **Inderjit Singh @ Laddi Versus State of Punjab, Criminal Misc. No.13140 of 2012 decided on 31.1.2014**, it was held that Special Courts dealing with NDPS Act cases may grant interim bail till receipt of report of FSL in cases where the need is so felt and matter is unnecessarily delayed. Accordingly, keeping in view the contraband and period of custody of accused and that the matter is being delayed due to non-receipt of FSL report, for want of challan and conclusion of trial will take time the accused deserves for the grant of benefit of interim bail till the receipt of FSL report. Accordingly, applicant-accused is ordered to be released on interim bail on his furnishing personal bonds in the sum of ₹50,000/- with one surety in the like sum, till the receipt of report of FSL and bail application will be reconsidered on receipt of report of FSL, subject to following conditions:

- 1) That the applicant shall not leave the country without prior permission of the Court.
 - 2) That the applicant will not intimidate the prosecution witnesses.
 - 3) That the applicant will appear on each and every date of hearing unless exempted.
6. Record of bail application be attached with pending remand papers.

Shiv Mohan Garg)
Judge Special Court, ASR.
UID No.PB0164

Date of order:14.03.2018
(Ramesh Kumar)Stenographer-II