

**In the Court of Jaspinder Singh(UID No.PB0148),
Judge, Special Court-cum-Additional Sessions Judge,
Amritsar.**

CNR No: PBAS010173952018.
Registration No: BA/11522/2018.
Instituted on: 04.12.2018.
Date of order: 11.12.2018.

State Versus Sahib Singh alias Saba s/o Shamsheer Singh r/o Village Jhitte
Khurd, District Amritsar.
.....Accused/applicant.

FIR No: 208 dated 16.11.2018.
Under Section: 22/61/85 of NDPS Act.
Police Station: Chattiwind.

Present:- Sh.A.K.Gupta,Advocate, counsel for the applicant-
accused.
Mrs.Anju Sharma,Addl.P.P for the State.

ORDER:

1. This order of mine shall dispose of **Ist** bail application u/s.439 of Cr.P.C filed on behalf of accused-applicant for grant of bail.
2. The applicant/accused has filed the present bail application on the averments that applicant has falsely been involved in this case due to party faction in the village. According to prosecution story, the alleged recovery of 28 intoxicating capsules and 40 tablets have has allegedly been effected from the person of accused but infact no recovery has been effected from him and

same is planted one, so he is no longer required for further investigation. Applicant has been arrested on 16.11.2018 and is in jail since then. The provisions of section 50 of NDPS Act have not been complied with. No independent witness has been joined and routine type explanation has been given. Police will take long time to present the challan. As such prayer is made for grant of bail to accused/applicant.

3. Upon notice issued to State, Addl.PP for the State has appeared. ASI Mohinder Singh has come present alongwith record.

4. I have heard counsel for the applicant-accused and Addl.PP for the State and gone through the file very carefully.

5. In the present case the accused/applicant is in custody since the date of his arrest on 16.11.2018. Alleged recovery of 28 capsules and 40 tablets intoxicating tablets has already been effected. As per police record, the report of Chemical Examiner has not been received. So at this stage, it is not ascertainable whether quantity of Psychotropic Substance recovered from the accused is commercial or non commercial quantity. The applicant cannot be kept in custody for indefinite period. So I am of the opinion that in this case conditional order of release of the applicant on bail should be passed, granting him the interim bail with the condition that on the receipt of report of Chemical Examiner if the quantity of psychotropic substance comes out to be

commercial quantity, then he should surrender before the trial court and his bail be deemed to be cancelled. As such in view of above discussion, accused/applicant is ordered to be released on interim bail on furnishing personal bail bond in the sum of Rs.70,000/- with one surety in the like amount subject to the condition that if on receipt of report of Chemical Examiner psychotropic substance recovered from the applicant comes within the ambit of commercial quantity, then his this bail will come to an end and applicant will surrender before the court and he will be sent to judicial lock up. Further the bail is granted subject to following conditions:-

1. That accused/applicant shall appear in the court on each and every date of hearing;
2. Accused/applicant will not tamper with the prosecution evidence;
3. Accused/applicant will not leave the country without prior permission of the court.

Police file be returned. Papers of present bail application be attached with the pending record of this court, concerning the present case.

Pronounced in open Court.
Dt: 11.12.2018.

(Jaspinder Singh),
Additional Sessions Judge,
Amritsar.
UID No. PB0148.