

**IN THE COURT OF MS. GURDARSHAN KAUR DHALIWAL,
JUDGE, SPECIAL COURT, (UID No. PB0146), FAZILKA.**

Bail Application No.4548 of 2019
CIS No. BA-2154/2019
CNR No.PBFZC0-005795-2019
Date of Order: 23.11.2019

Bohar Singh, aged about 15 years son of Sher Singh, resident of village
Theh Qalandar, P.S. Sadar Fazilka, Tehsil and District Fazilka.

.....Applicant/accused

Versus

State of Punjab.

.....Respondent

FIR No.255 of 23.10.2019
U/S 15-61-85 NDPS Act
P.S. Sadar Fazilka

Application for grant of bail under Section 439 Cr.P.C.

Present: Sh. Rahil Birla, Advocate for the applicant/accused.
Sh. Yogesh Kasrija, Addl.PP for the respondent/State.

ORDER

1. This order of mine shall dispose of regular bail application moved by the applicant/accused ***Bohar Singh*** in this case bearing FIR No.255 of 23.10.2019 U/S 15-61-85 NDPS Act, P.S. Sadar Fazilka, District Fazilka, wherein it is submitted that the applicant/accused has been falsely implicated in the aforesaid case. The applicant/accused is in judicial custody since 23.10.2019 and no useful purpose will be served by keeping him in judicial custody. There is no apprehension of the absconding of the applicant/accused or tampering with prosecution evidence. The applicant/accused will not misuse the concession of bail granted by this court. The applicant/accused is ready to furnish his bail bond and surety bonds to the satisfaction of this court. So, he be released on bail.

2. Notice of the bail application was given to the State and police record was called which is produced from Police Station Sadar Fazilka, District Fazilka. No reply to the bail application was filed. However, learned Addl.PP for the State orally contested the bail application.

3. I have heard learned counsel for the applicant/accused, learned Addl. PP for the State and perused the police file very carefully.

4. As per the FIR, the applicant/accused was found in possession of 5 Kg. Poppy Husk from his conscious possession. The accused/applicant could not show any license or permit for keeping the same in his possession. The accused/applicant is in custody since 23.10.2019. The recovery of more than 50 Kg. is commercial in nature. So, the recovered quantity of above said Poppy Husk from the possession of present accused falls in non-commercial quantity. The applicant/accused is not required for further investigation of the case. The presentation of challan and disposal thereof is likely to take considerable time. So, in these circumstances, no useful purpose would be served by detaining the accused behind the bars and rather it would be a burden upon the State exchequer. Therefore, the applicant/accused is ordered to be released on bail in this case on his furnishing personal bonds in the sum of Rs. One Lac with one surety of the like amount to the satisfaction of this court, with the conditions that:-

1. He shall appear in the court on each and every date of hearing.

2. He shall not leave India without prior permission of the court.

3. He shall not tamper with the evidence of prosecution.

The bail application is allowed accordingly. Police record be returned.

File be attached with the remand papers.

Pronounced in the open Court

Dated:- 23.11.2019

Deepak Kumar
Stenographer Gr.II

Sd/-

Gurdarshan Kaur Dhaliwal

Judge, Special Court

Fazlika/UID-PB-0146

Bohar Singh Vs. State of Punjab
BA-2154/2019

Present: Sh. Rahil Birla, Advocate for the applicant/accused.
Sh. Yogesh Kasrija, Addl.PP for the respondent/State.

Police record produced. Arguments heard. Vide my separate detailed order of even date, the present bail application has been allowed. Police record be returned. File be attached with the remand papers.

Pronounced in the open Court
Dated:- 23.11.2019
Deepak Kumar
Stenographer Gr.II

Sd/-
Gurdarshan Kaur Dhaliwal
Judge, Special Court
Fazlika/UID-PB-0146