

PBGD010091322023



Presented on : 31-10-2023
Registered on : 31-10-2023
Decided on : 06-11-2023
Duration : 0 years, 0 months, 6 days

**IN THE COURT OF
Additional District and Sessions Judge
AT ,Gurdaspur
(Presided Over by Sh. Raman Goklaney)**

BA/3682/2023

Rajanbir Singh aged about 24 years son of Dalbir Singh, resident of Village Bariar, Police Station Ghuman, Tehsil Batala, District Gurdaspur.

...Applicant/accused.

Versus

State of Punjab.

...Respondent.

First Application for bail U/s 439 of Code of Criminal Procedure.

FIR No 114 dated 24.09.2023.
Under Section 21 & 27-A Narcotic Drugs &
Psychotropic Substances Act, 1985.
Police Station : Ghuman.

Present : Sh. Gaurav Mahajan, Advocate for applicant/accused.
Sh.B.S. Mahla, Additional, Public Prosecutor for State.

O R D E R:-

This order shall dispose off the regular bail application filed under Section 439 of Code of Criminal Procedure (hereinafter to be referred as Cr.P.C.) by applicant-accused Rajanbir Singh in case FIR No.114 dated 24.09.2023, under Sections 21 & 27(a) of Narcotic Drugs

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& Psychotropic Substance Act, 1985, registered at Police Station Ghuman Police District Batala, District Gurdaspur .

2. Upon presentment of bail application notice of the bail application issued to the State and in pursuance thereof, Sh. Sh.B.S. Mahla, Additional Public Prosecutor has already put in an appearance on behalf of the State. Today, police record received and perused. Learned counsel for accused-applicant & learned Additional Public Prosecutor for State heard.

3. This court while considering the bail application of co-accused Mandeep Singh has noted down the following facts:-

“The facts, in brief, necessary for disposal of the instant bail application are that on 24.09.2023 police team headed by SI Balwinder Singh was on patrolling and when police party reached near village Barriar, two young men were seen coming on a motor-cycle bearing No PB-18Y-1609 from the side of village Bariar, who on seeing the police party got perplexed and tried to turn back, but they were apprehended on the basis of suspicion. On enquiry, they disclosed their names as Rajanbir Singh @ Raja son of Dalbir Singh and Mandeep Singh son of Balwinder Singh. On search, 15 grams of Heroin was recovered from accused Rajanbir Singh, whereas, 05 grams of Heroin was recovered from applicant-accused Mandeep Singh. It is also the case of the prosecution that Rs. 3400/- was recovered from accused Rajanbir Singh and Rs. 1600/- as drug money recovered from accused-

Mandeep Singh. During search of the motor-cycle, a computer weighing scale was also recovered from the diggi of the motor-cycle. Motor-cycle was also taken into police possession”.

4. Sh.Gaurav Mahajan, Advocate, Learned counsel for accused-applicant submitted that the allegations against the accused-applicant are false and frivolous. He further submitted that nothing was recovered from the accused-applicant and the alleged recovery has been planted by the police. He next submitted that there are no ingredients of Section 27-A of NDPS Act, so offence under Section 27-A of NDPS Act not made out in this case. He next submitted that the accused-applicant is in custody since 24.09.2023 and completion of investigation and presentation of challan shall take time and no useful purpose would be served by detaining the applicant behind the bars. With these submissions it is prayed that bail application of applicant-accused may be allowed and he be granted concession of regular bail.

5. While countering the aforesaid submissions, Sh.B.S.Mahla Learned Additional Public Prosecutor for the State has submitted that accused-applicant is involved in heinous crime and do not deserve the concession of regular bail and prayed for dismissal of the bail application.

6. After hearing the rival contentions of the parties, it reveals that 15 grams of Heroin allegedly recovered from accused-applicant Rajanbir Singh along with currency notes of Rs. 3400/-. It is the case of the prosecution that section 27-A is attracted in the present case. However,

on perusal of the FIR itself shows that there is alleged disclosure of the accused that he is habitual in consuming intoxicant and sell the same to other addicts. Apart from this alleged disclosure no material whatsoever has come on file with regard to the involvement of the accused-applicant in illegal trafficking of Narcotic Drugs and Psychotropic Substances. Also the accused-applicant has undergone police remand and even during interrogation it has not come on file as to whom he had sold the narcotic. The quantity of contraband recovered from accused-applicant is 15 grams of Heroin including the weighing of envelop. ASI Gurmeet Singh appeared and suffered statement that accused-applicant is involved in one more case in FIR No.04 dated 13.01.2022 under Sections 307, 427, 506, 148, 149 IPC and 25/27/54/59 of Arms Act registered at Police Station Ghuman. The accused is in custody since 24.09.2023, and completion of investigation and conclusion of trial would take considerable long time more particularly when the chemical examiner report in the present case is still awaited. Accordingly, the present bail application is hereby allowed and accused-applicant is ordered to be released on bail on his furnishing bail bonds in the sum of Rs. 50000/- with one surety in the like amount subject to the following conditions:-:-

- i. That applicant-accused shall not indulge in any activity similar to the activities on the basis of which aforesaid criminal case stood registered against him for the offences under the NDPS Act.
- ii. That applicant-accused shall not undertake any action which is prejudicial to proceedings during the course of trial.
- iii. That applicant-accused shall attend all the dates during the trial unless prevented by any reasonable cause.

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- iv. That applicant-accused neither personally nor through anyone make any attempt to influence the witnesses or tamper with the evidence.
- v. That applicant-accused shall not leave India without the prior permission of the Court.

7. Police record be returned and bail application file be tagged with the remand papers pending for 02.03.2024..

**Pronounced in open Court.
On 06.11.2023.**

**(Raman Goklaney)
Additional Sessions Judge,
Gurdaspur. (UID No PB0687)**

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