

IN THE COURT OF MS. POONAM BANSAL
JUDGE, SPECIAL COURT, SANGRUR.
(Unique Identification No.PB-0190)

CIS No.BA/3563/2019
 CNR No.PBSG01-010855-2019
 Decided on:05.11.2019

Abbas Ali aged about 33 years son of Naseer Ahmed resident of Mohalla Berian, Malerkotla, District Sangrur.

....Applicant-accused

Versus

State of Punjab

F.I.R. No. 170 dated 30.10.2019
 Under Section 15/21/61/85 of ND&PS Act,
 Police Station : City-I Malerkotla.

Application for bail under Section 438 Cr.P.C.

Present: Shri Mohd. Izhar, Advocate counsel for the applicant.
 Shri Navdeep Goyal, Addl. P.P for the State.

ORDER:

1. This is an application having been filed by applicant-accused, Abbas Ali aforesaid, for seeking his anticipatory bail under the provisions of Section 438 Cr.P.C. in the above noted FIR.
2. Notice of application was issued to the State and the record was also requisitioned.
3. Learned counsel for the applicant-accused has argued that the applicant is law abiding citizen and has not committed any offence at all. He has further pleaded that police of Police Station City-I Malerkotla has falsely implicated the applicant/accused in above said FIR and the alleged recovery has already been effected in the present case. He has further argued that the applicant in the present case implicated on the basis of secret information which has no authenticity in the eyes of law. He has further argued that no recovery is required to be effected from the accused/applicant and he never involved in the Drugs Activity as shown

by the police. He has further pleaded that the police of P.S City I Malerkotla raided the house of applicant and applicant has apprehension in his mind that the police of P.S City I Malerkotla will arrest the applicant and torture him in third degree. He has further argued that from the bare perusal of the contents of FIR, no offence is made out against the applicant. He has further argued that the applicant will abide all the terms and conditions imposed by the Court. On the strength of these arguments, it is prayed that the applicant be granted concession of anticipatory bail.

4. Per contra, learned Addl. P.P. has opposed the bail application on the ground that the custodial interrogation of the applicant is required, as such he is not entitled to the anticipatory bail and prayed for dismissal of the bail.

5. I have heard learned counsel for the applicant-accused, learned Additional P.P for the State and perused the case file with due care and circumspection.

6. Perusal of the record shows that on 23.07.2018, the police party was present at Near Sarondh Road Bypass where a secret information was received by Investigating Officer that accused namely Shamshad alias Sadu, Abbas Ali @ Motu and Shehzad @ Bandri sonof Nazir Ahmed resident of Mohalla Berian, are habitual of selling Chitta/Heroin and Poppy Husk and if raid is conducted at their house, then they can be apprehended red handed with the Chitta/Heroin and Poppy Husk. Information being reliable IO sent ruqa, on the basis of which formal FIR was registered against all the accused.

7. Thereafter, IO along with police officials raided at the above said house and all the above said accused persons were present there. On seeing the police party they became perplexed and tried to flee away from

the spot. The present accused/applicant and Shehzad @ Bandri son of Nazir Ahmed fled away from the spot and they were identified by HC Harjit Singh and HC Manpreet Singh and the third person was apprehended by the police party and he disclosed his name as Shamshad alias Sadu. Thereafter, police party conducted the search of the house and one transparent polythene containing Chitta/Heroin recovered and on weighing the same it came out to be 10 gm and another polythene bag whose mouth was opened and on checking the same poppy husk was recovered and on weighing the same it came out to be 500 gm of poppy husk. During the search of house, currency notes of Rs. 2,72,400/- were recovered. Therefore, in the considered opinion of this Court, the custodial interrogation of the present applicant is required to know the origin of the contraband.

8. In the light of the above discussion this Court is of the view that the applicant is not entitled for anticipatory bail. Accordingly the bail application filed by the accused/applicant under Section 438 Cr.P.C. is dismissed. Bail papers be consigned to the record room.

Pronounced

November 05, 2019

Hitesh Bansal Stenographer -III

(Poonam Bansal)

Judge Special Court,

Sangrur.

Unique Identification No.PB-0190

CNR No.PBSG01-010855-2019 BA/3563/2019

Abbas Ali Vs State of Punjab.

Present: Shri Mohd. Izhar, Advocate counsel for the applicant.
 Shri Navdeep Goyal, Addl. P.P for the State.

Police record produced. Arguments heard. Vide separate order of today bail application under Section 438 Cr.P.C is dismissed. Bail application be consigned to the record room.

Pronounced

November 05, 2019

Hitesh Bansal Stenographer -III

(Poonam Bansal)

Judge Special Court,
Sangrur.

Unique Identification No.PB-0190