

**IN THE COURT OF JASWINDER SHEEMAR, JUDGE SPECIAL
COURT,SANGRUR UID NO. PB0093**

CNR No. PBSG01-010406-2018

B.A No.3201/2018

Date of institution: 11.12.2018.

Date of Order: 20.12.2018.

Kaka Singh son of Sita Singh resident of Ram Nagar Basti, Sangrur,
Tehsil & Sangrur (now confined in District Jail Sangrur).

-----Bail Applicant.

Versus

State of Punjab.

FIR No. 101 dated 08.11.2018

U/s 22/61/85 of NDPS Act.

U/S.City I Sangrur.

**Application to grant the interim bail to accused Kaka Singh till the
presentation of chemical examiner report.**

Present: Sh. Rajender Sharma, Advocate counsel for bail applicant.

 Mrs. Ravinderpal Kaur, Addl. Public Prosecutor for State.

ORDER:

1 This is a regular **bail application** filed on behalf of **Kaka Singh (bail-applicant)** in an FIR no.101 dated 08.11.2018 under Section 22/61/85 of NDPS Act, Police Station City I Sangrur and in the meantime, to grant interim bail to the bail-applicant till the receiving of report of chemical examiner.

2. **Notice** of the bail application was issued to the State through learned Additional Public Prosecutor for the State, who contested the bail

Jaswinder Sheemar,
JSC, SangrurUID NoPB0093
20.12.2018

application.

3. The police **record** was requisitioned and **perused**.

4. I have **heard** the learned counsel for bail-applicant and learned Additional Public Prosecutor for the State and gone through the file with their kind assistance.

5. The FIR in this case resulted on 08.11.2018 U/s 22/61/85 N.D.P.S Act against the bail-applicant when the police party while on patrol duty in order to search for miscreants were present near Palace Magnum, Sangrur, where an informer gave tip off that the bail-applicant indulged into sale of heroene and even on that day, he was selling same in the area of drain bridge, Ubhawal Road, Sangrur, and if, raid is conducted, he could be intercepted and cache of contraband could be effected. The information being credible, barricade was conducted at drain bridge Ubhawal road, Sangrur, at the disclosed place and at about 15/20 minutes, a person was spotted coming on activa honda bearing no.PB-13Y-4948, from the side of Ram Nagar Basti, on the basis of suspicion, and a black colour polythene was hanging on the handle of the scooter on right side, which appeared to be heavy. The said person on seeing the police party tried to turn back and in the meantime, the polythene bag fell down, and from the bag **14 strips of Etizol having salt Etizolm tablets 0.5 mg having batch no.DVTD 2630 Mfg.Jan.2018, Exp.Dec.2019 i.e. each strip was containing 10/10 tablets each, total 140 tablets, 15 strips of Kammol-100 SR tablets having Salt Tramadol HCI IP**

100 nmg having batch no.DTET046 Mfg.May 2018, Exp.April.2010 i.e. each strip was containing 10/10 tablets each, total 150 tablets and 18 strips of Eldezolam TM 0.5 having salt Alprazolam tablets IP having batch no.WB/8006, Mfg.March 2018, Exp.Feb.2019, i.e. each strip was containing 10/10 tablets i.e. 180 tablets (total 470 tablets).

6. From the police file, it comes out to surface that the bail-applicant has been booked in the present FIR case on account of recovery of **470 intoxicant tablets**, on 08.11.2018, from the polythene bag carried by him on the scooter. The chemical examiner report has yet not been received from the quarter concerned. Therefore, the custodial interrogation of the accused is not required for any purpose. It was held by our **Hon'ble High Court passed in CRM-M-31759 of 2013, decided on 17.12.2013 (Lakhvir Singh alias Lakha Vs. State of Punjab)** while considering the bail application of accused, who was arrested under NDPS Act, wherein also, though the challan was presented, but the report of Chemical Examiner report had not received, under those circumstances, it was held that in the absence of the report of the Chemical Examiner, it would be just and expedient to release the accused on interim bail and a rider was put that upon receiving the Chemical Examiner report, the matter would be decided afresh.

7. It is observed that since the report of the chemical examiner has not been received so far, therefore, obviously indefinite time will be

taken for the presentation of the challan in the Court on that account. Therefore, in such an event, the bail applicant is held entitled to bail. The application for bail filed by the bail applicant is **allowed** on the following terms and conditions.

- i) The applicant shall execute a bond for Rs. 50,000/- with one solvent surety for the like sum.
- ii) The applicant shall also undertakes that in case the report of Chemical Examiner comes against her, then in that eventuality, she will surrender before this court.

7. However, it is made clear that after complying the conditions no. (ii), the applicant would be at liberty to file a fresh application for regular bail as in that eventuality, the quantity of prohibited drug would be one of the guiding factor for consideration of the bail application.

8. Without expressing anything on the merit of the case, the instant application stands **disposed off**, in the terms stated above by granting **interim bail**. The bail application be tagged with the remand papers.

Pronounced in open court
Dt20.12.2018

(Jaswinder Sheemar)
Judge Special Court,
Sangrur UID No.PB0093

Veena Saluja,
Stenographer Gr.I

Certified that the order has been directly dictated by the undersigned.

Dt.20.12.2018

(Jaswinder Sheemar)
Judge Special Court,
Sangrur UID No.PB0093

Jaswinder Sheemar,
JSC, Sangrur UID NoPB0093
20.12.2018

