

IN THE COURT OF JAAPINDER SINGH JUDGE, SPECIAL COURT, FAZILKA. (UID NO.PB0235)

Case Details

Case Type	BA
Regn. No.	BA-1854-2023
CNR No.	PBFZC000-4907-2023
Date of order	06.09.2023.

1. Kali Ram, aged 38 years son of Pirthi Raj resident of Street No. 8, Sarabha Nagar, Seed Farm Pakka, Abohar, Teshil Abohar, District Fazilka.
2. Malook Ram, aged about 52 years son of Shera Ram resident of village Kandhwala Amarkot, Tehsil Abohar, District Fazilka.

...Applicants.

Versus

State of Punjab

...Respondent.

FIR No.156 dated 09.08.2023
U/s. 15/29 NDPS Act.
Police Station City-I, Abohar.

Bail application Under Section 439 Cr.PC.

Present: Shri Sham Sunder, Advocate counsel for applicants.
Sh. Gurbaaz Singh, Additional PP for the state.

ORDER:

1. Present application filed on behalf of applicants-accused Kali Ram and Malook Ram seeking regular bail in the matter, details of which have been referred above, shall be disposed of through this order.
2. Learned Additional Public Prosecutor has appeared on behalf of the state today upon notice in the application, but he has not sought to file any written reply to the application and has opposed/contested the same orally. Police record of the matter has been produced by ASI Milkh Raj, No. 12/FZK, Police Station, CIA Staff, Fazilka Camp at Abohar.
3. Arguments of learned counsel for the applicant-accused and of learned Additional PP for the state have been heard in the matter and

record of the matter has been perused.

4. The facts of the matter, as per contents of the FIR and other documents/papers, are that 10kg Poppy husk was recovered from possession of applicants-accused on 09.08.2023. As per the statement of ASI Milkh Raj, one previous FIR No. 246 dated 26.08.2022 under section 15 of NDPS Act stands registered against applicant-accused Kali Ram at PS City-I, Abohar and recovery of 30kg poppy is involved in said matter. As such, non-commercial quantity is involved in said other matter pending against accused Kali Ram and merits of said matter shall be looked into under separate proceedings. Applicants-accused are in custody since the date of their arrest i.e. 09.08.2023. The quantity of contraband in question falls within the ambit of non-commercial category. In considered opinion of this court, completion of investigation and trial in the matter shall take considerable time and no useful purpose would be served by continued detention of applicants-accused in custody and such detention is an avoidable burden on the state exchequer. Requisite, recovery has already been effected from the applicants-accused. Accordingly, applicants-accused are admitted to bail on their furnishing bail bonds/ surety bonds in sum of Rs. 40,000/- each with one surety in the like amount each to the satisfaction of trial court/Illaq/Duty Magistrate, subject to the following conditions.

1. That the applicants shall attend the court on every date of hearing.
2. That the applicants shall not commit an offence similar to the offence of which he is accused.
3. That the applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer and shall not temper with the evidence in the matter.
4. That the applicants shall not leave the country without prior permission of the court.

Bail application be attached with the remand papers.

Pronounced in open Court.
Dated:06.09.2023.
Jasvir Steno

(Jaapinder Singh),
Judge, Special Court,
Fazilka : UID no.PB0235