

**In the Court of Jaswinder Sheemar, Judge, Special Court, Hoshiarpur.
(UID No.PB-0093).**

BA No.1896 of 20.07.2023
CNR No:PBHO-01003899-2023
Decided on: 27.07.2023

FIR No.0153 dated 05.06.2023.
Under Section 18, 29/61/85 of ND&PS Act.
Police Station Tanda, District Hoshiarpur.

Keshav, aged 27 years son of Ram Dass, resident of Mairy Bazaar Moosa
Jhag Badaun, Uttar Pradesh.

.....Bail Applicant.

Versus

State of Punjab.

.....Respondent.

First Application for regular bail Under Section 439 Cr.P.C.

Present: Shri Tajinder Singh Bajwa, Advocate for bail applicant
Shri Charanjit Singh, Addl. Public Prosecutor for the State

ORDER:

This is a **first regular** bail application filed on behalf of
Keshav (bail applicant) in the above referred FIR case.

2. **Notice** of the bail application was issued to the State through
Learned Additional Public Prosecutor of the State, who put in appearance
and contested the bail application.

3. The police record was requisitioned and perused. Report of
Ahlmad has also received, vide which it is reported that no any other case
pertaining to the present FIR, is decided by any Court.

4. I have heard the Learned Additional Public Prosecutor for
State and the Learned Counsel for bail applicant and have gone through the
police record.

5. From the police record, it comes out to surface that on

05.06.2023, police party while on patrol duty, in order to search for miscreants, were present at main G.T Road from Dhatta drain Bridge, at that time Keshav (bail applicant) Naresh alias Kalu (co-accused) were spotted coming from the side of Village Hambra, who tried to turn back on observing the presence of police party, both of them dropping bags carried by them in their hands, therefore, on the basis of suspicion they were intercepted. From the bag dropped by Keshav(bail applicant) 600 grams opium and from Naresh alias Kalu(co-accused) 400 grams opium, were recovered.

6. It is observed that the bail-applicant was arrested on 05.06.2023 and since then he is in custody. The recovery of 600 grams of ‘*Opium*’ effected from bail-applicant is above small quantity, but less than commercial quantity. There is nothing on record to specifically state as to in how many such like FIR cases, bail-applicant been booked. Observing that presentation of challan and thereafter, conclusion of trial is going to take indefinite period, therefore, bail-applicant cannot be allowed to languish in jail. Moreover, the rule is bail not jail. Furthermore, state exchequer is involved.

7. On the basis of observation recorded in preceding paragraph of this order, I deem this case fit, where bail-applicant is said to be entitled to regular bail, therefore regular bail application filed on behalf of bail applicant Keshav, stands **allowed**. The bail-applicant **Keshav(bail applicant)** is ordered to be admitted to bail on his furnishing bail bonds/surety bonds in the sum of Rs.50,000/- with one surety of the like amount to the satisfaction of Ilaka Magistrate/ Duty Magistrate.

8. The observations recorded above shall not amount to reflection of

mind on merits.

9. Bail application file be consigned to the Judicial Record Room, Hoshiarpur, on its completion.

Pronounced in open Court:
Dated: 27.07.2023.
'Rajbir Singh JW Gr.II'

(**Jaswinder Sheemar**),
Judge, Special Court, Hoshiarpur.
(UID No.PB-0093).