

In the Court of Hardip Singh, Judge, Special Court, Ferozepur

CNR No.PBFZ0100-5005-2023

CIS No. BA/1906 of 2023

Date of Order: 27.07.2023

Govinda aged 31 years son of Janak Raj son of Nathu Ram, resident of
Purani Sabzi Mandi, Bagdadi Gate, Ferozepur City.

... Applicant/Accused.

Versus

State of Punjab.

....Respondent.

FIR No.252, dated 24.06.2023

U/s 21/61/85 of NDPS Act

Police Station City Ferozepur

(Application for bail under Section 439 of Cr.P.C)

Present: Sh. Sandeep Monga, Advocate, counsel for applicant/
accused.
Sh. Karan Dhingra, Additional Public Prosecutor for State.

O R D E R

1. Heard on the bail application filed by applicant/accused
Govinda, under section 439 of Cr.P.C, pertaining to FIR No.252 dated
24.06.2023, under section 21/61/85 of NDPS Act, Police Station City
Ferozepur.

2. Learned counsel for the applicant/accused has argued and
contended that false and baseless case has been registered against the
applicant/accused. The alleged recovery has been planted upon the
applicant/accused. Mandatory provisions of NDPS Act have not been

complied with. No offence is made out against the applicant/accused. He is in custody since 24.06.2023 and is no more required for further investigation. Hence, prayer has been made for grant of concession of regular bail.

3. Notice of the bail application was given to the State, through learned Additional Public Prosecutor for the State, who appeared and opposed the present bail application on the ground that the applicant/ accused has committed heinous crime by keeping 50 grams of Heroin without any permit or license. As such, applicant/ accused is not entitled for bail.

4. HC Mandeep Kumar has also appeared alongwith record and submitted a statement that accused has neither filed bail application before Hon'ble Punjab & Haryana High Court, Chandigarh, nor the same is pending in any superior court of law. This is the first regular bail application of the applicant/accused. Recovery in this case is 50 grams Heroin. Report of FSL is yet to be received. The applicant/ accused is in custody since 24.06.2023. No offence has been added after registration of present FIR.

5. Heard. Perusal of the file shows that present case has been registered against the applicant/accused as he was apprehended on the basis of suspicion and on search of polythene envelope thrown by the

applicant/accused recovery of 50 grams Heroin has been effected. Admittedly, the applicant/accused is in custody since 24.06.2023 and the recovery has already been effected which is 50 grams Heroin, which falls under non-commercial quantity. So, at this stage, nothing remains to be recovered from the applicant/accused. Investigating agency will take long time in filing challan in this court and further conclusion of the trial will also take time, therefore, no purpose will be served by further detaining the applicant/ accused behind bars. As such, I deem it fit to release the applicant/accused on regular bail, subject to furnishing of bail bonds in the sum of Rs. 20,000/- with one surety in the like amount before the learned Illaqa Magistrate/Duty Magistrate, Ferozepur subject to its satisfaction, who will send the bail/surety bonds so furnished by the applicant/accused to this court after attestation. Accordingly, the present bail application stands allowed and disposed of. Anything said in this order shall not affect the merits of the main trial in any manner. File be attached with the remand papers/consigned to the record room.

Announced in open Court.

Dated: 27.07.2023

Pritpal Singh

Stenographer Gr. II

Sd/-
(Hardip Singh)
Judge, Special Court,
Ferozepur.
UID No.PB0638