

IN THE COURT OF SH.GURMOHAN SINGH,
ADDITIONAL SESSIONS JUDGE,
JALANDHAR. (UID No.PB0573)

Case Type	BA
BA No.	1902/2018
CNR No.	PBJL01-006123-2018
Date of Institution	01.04.2018
Date of order	07.05.2018

Durga Dass, aged about 32 years, s/o Satish Raj, r/o H.No.41, New Prithvi Nagar, Kishanpura, Jalandhar now confined in the Modern Jail, Kapurthala.

...Accused/applicant.

Versus

State of Punjab

...Respondent.

FIR No.70 dated 01.04.2018
Under Sections 21/22/61/85 N.D.P.S Act
PS Div.No.7, Jalandhar.

First Bail application Under Section 439 Cr.P.C

Present: Sh. Naeem Khan, counsel for the applicant/accused.
Sh. A.P.S Dhillon, Ld. Addl. PP for the State.

1. Arguments on bail application moved by applicant/accused under section 439 Cr.P.C. in this case bearing FIR no.70 dated 01.04.2018 under section 21/22 of NDPS Act, 1985 Police Station Div. No.7, Jalandhar, heard.
2. As per allegations of the prosecution, 20 grams intoxicant powder was recovered from the possession of present applicant/accused without any permit or licence. The applicant/accused was arrested on 01.04.2018 and since then the applicant/accused is in judicial custody. Further, in the present case, neither the challan has been presented and nor the report of chemical examiner has been received so far. Further in light of the judgment passed by the ***Division Bench of Hon'ble Punjab & Haryana High Court in Criminal Misc.No.1140 of***

2012 decided on 30.01.2014 titled as "Inderjit Singh @ Ladi vs State of Punjab" has held that "in case there is delay, this would entitle the offender of at least interim bail till the report is finally received", and also keeping in view the above said alleged recovery from the possession of accused, this court is of the view that accused is entitled to get interim bail till report of chemical examiner is finally received. Further this court is also of the considered opinion that the challan and the chemical examiner report will take sufficient long time. Accordingly, the above named applicant/accused is ordered to be released on interim bail till receiving of chemical examiner report, subject to furnishing of bail bonds in the sum of Rs.50,000/- with one surety in the like amount, subject to condition that applicant/accused will neither leave the country without prior permission of the court nor applicant/accused will tamper with the witnesses of the prosecution and will appear on each and every date of hearing of the court. However, it is made clear that this order of interim bail is subject to the result of report of Chemical examiner and it is further clarified that if the alleged recovery comes out to be commercial quantity then this bail order would automatically be vacated and bail bonds and surety bonds would be forfeited to the State and if the quantity comes out to be non commercial then this bail order would be confirmed and bail bonds and surety bonds would also be considered. Accordingly, the present bail application is disposed off. Ahlmad is directed to attached the application with the remand papers.

Pronounced:
Dated: 07.05.2018
*Ritu Bhandari**

(Gurmohan Singh)
Addl. Sessions Judge,
Jalandhar(UID no.PB0573)