

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

CNR No.PBFZ0100-4457-2022

CIS No. BA/1785 of 2022

Date of Order: 10.08.2022

State of Punjab.

Versus

1. Lakhvir Singh @ Laddi aged 44 years son of Joginder Singh, resident of village Kirrian, Police Station Chohla Sahib, District Tarn Taran.

2. Lovepreet Singh @ Labbu aged 21 years son of Karnail Singh, resident of village Kirrian, Police Station Chohla Sahib, District Tarn Taran.

... Applicant/Accused.

FIR No.89, dated 14.07.2022

U/s 21/61/85 of NDPS Act

Police Station Sadar Ferozepur

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

Present: Sh. Ajay Pal Singh Dhanju, Advocate, counsel for applicants/accused.
Sh. Keemat Singh, Additional Public Prosecutor for the State.

O R D E R

1. Heard on the bail application filed by applicants/accused Lakhvir Singh @ Laddi and Lovepreet Singh @ Labbu, under section 439 of Cr.P.C, pertaining to FIR No.89, dated 14.07.2022, under section 21/61/85 of NDPS Act, Police Station Sadar Ferozepur.

2. Learned counsel for the applicants/accused has argued and contended that applicants/accused have been falsely implicated in this case. False recovery has been planted upon the applicants/accused. The mandatory provisions of NDPS Act have not been complied with in the present case. Applicants/accused are in custody since 14.07.2022. Nothing remains to be recovered from them. 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 in this case recovery of total 40 grams Heroin has been effected, out of which 15 grams Heroin was recovered from applicant/accused Lakhvir Singh @ Laddi and 20 grams Heroin was recovered from applicant/accused Lovepreet Singh @ Labbu. As such they have committed serious offence by keeping Heroin in their possession without any permit or license. Besides this, two more FIRs are under registered against applicant/accused Lakhvir Singh under Excisse Act. As such, applicants/accused are not entitled for bail.

4. Heard. Perusal of the file shows that present FIR has been registered against applicants/accused Lakhvir Singh @ Laddi and Lovepreet Singh @ Labbu, as they both were apprehended by the

police party and recovery of 15 grams of Heroin was effected from possession of accused Lakhvir Singh @ Laddi and 20 grams Heroin was recovered from applicant/accused Lovepreet Singh @ Labbu. Admittedly, applicants/accused are in custody since 14.07.2022 and contraband recovered from applicants/accused i.e. 40 grams of Heroin falls under non-commercial quantity. Nothing remains to be recovered from the applicant/accused. Though, learned Additional Public Prosecutor for the State has categorically argued that there are two more FIRs against applicant/accused Lakhvir Singh under Excise Act, but arguments does not carries weight, as the said FIRs have no link with the present case. 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 applicants/accused behind bars. As such, I deem it fit to release the applicants/accused on regular bail, subject to furnishing of bail bonds in the sum of Rs. 50,000/- each with one surety in the like amount before the learned Illaqa Magistrate/Duty Magistrate, subject to its satisfaction, who will send the bail/surety bonds so furnished by the applicants/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: 10.08.2022

Pritpal Singh

Stenographer Gr. II

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