

IN THE COURT OF GURJANT SINGH,
JUDGE. SPECIAL COURT,
GURDASPUR

Bail Application No. 339 of 09.07.2018
CIS No. BA-1764-2018
Date of decision : 16.07.2018

Ramesh Masih @ Sunny @ Harmesh son of Bachan Masih R/o H.
No. 239, Prem Nagar, Bohranwala, Tehsil Batala District Gurdaspur

.....Accused/Applicant

versus

State of Punjab

.....Respondent

FIR No. 0119 of 04.06.2018
Under Section 22 Narcotic Drugs and
Psychotropic Substance Act,
Police Station: Civil Lines Batala
District Gurdaspur

First application for bail under section 439 of Cr.P.C.

Application for interim bail

Present: Shri Kamal Masih, Advocate, for accused/applicant
Shri J.P. Bains, Additional Public Prosecutor for State

ORDER:

This order of mine will dispose of an application filed by
accused/applicant for grant of *interim bail* during pendency of bail
application averring therein that report of Chemical Examiner is still
awaited and due to that presentation of challan is likely to take much time.

2. Grounds taken in application for granting interim bail have
been refuted by learned Additional Public Prosecutor for State.

3. I have heard learned counsel for accused, learned Additional

Public Prosecutor for State and have gone through record of this case.

4. In this case accused/applicant has allegedly been found in possession of **70 intoxicant tablets without label**. He is languishing in jail since the date of registration of this case i.e. 04.06.2018. Report of Chemical Examiner has not been received as yet. It is a matter of common knowledge that such reports take years to reach hands of police and number of time result does not favour prosecution. There is a judgment passed by Honorable Division Bench of our own Honorable High Court reported as ***Inderjit Singh alias Laddi vs State of Punjab - 2014 (3) RCR (Criminal) - 953*** holding that interim bail can be granted if court is satisfied that report of Chemical Examiner is being delayed. In instant case accused/applicant has been found in possession, as per allegations, **70 intoxicant tablets without label**. There is no likelihood of receipt of report of Chemical Examiner and presentation of challan soon.

5. In such circumstances, I am of the view that accused /applicant can be released on interim bail. Therefore, present application for releasing accused on interim bail is allowed, subject to furnishing personal bond in sum of Rs.50,000/- with one surety of like amount, subject to conditions that he will not leave the country without prior permission of court; he will appear on each and every date of hearing during trial before this court; he will abide by all conditions of bail enshrined under section 438 (2) of Criminal Procedure Code and in case report proves that recovery effected from him is within ambit of commercial quantity, he will surrender in court immediately.

6. Papers be tagged with concerned remand papers.

Pronounced.
16.07.2018

Rajeev Gupta,
Stenographer Gr-I

(Gurjant Singh),
Judge, Special Court,
Gurdaspur
(UID No. PB0080)

Ramesh Masih vs State

Present: Shri Kamal Masih, Advocate, for accused/applicant
Shri J.P. Bains, Additional Public Prosecutor for State

Learned Additional Public Prosecutor has put in appearance
on behalf of State.

Arguments on application for grant of interim bail to
accused/applicant during pendency of regular bail application heard. Vide
my separate detailed order of even date, application for grant of interim
bail during pendency of regular bail application is allowed, subject to
conditions mentioned therein.

Papers be tagged with concerned remand papers.

Pronounced.
16.07.2018

Rajeev Gupta,
Stenographer Gr-I

(Gurjant Singh),
Judge, Special Court,
Gurdaspur
(UID No. PB0080)