

PBBT010057912024



Presented on : 17-05-2024
Registered on : 17-05-2024
Decided on : 24-05-2024
Duration : 0 years, 0 months, 07 days

IN THE COURT OF
Judge, Special Court, Bathinda
(Presided Over by Rajiv Kalra, PB0098)

BA/1780/2024

Application for Regular Bail
FIR No.04 dated 05.01.2020
Under Section 22, 29 NDPS Act
Police Station Nathana (Bathinda).

State

VERSUS

Harjinder Singh @ Seera son of Moohar Singh resident of village
Kailo, District Mansa, (now confined in Central Jail, Bathinda).

Shri H.S. Khara, Advocate, counsel for applicant.
Shri Aseem Goyal, Public Prosecutor for the State.

ORDER
(Delivered on 24.05.2024)

(1) As per the prosecution allegations, on 05.01.2020, the applicant along with co-accused Harcharan Singh @ Raju was apprehended by the police of PS Nathana, on the basis of suspicion. During search, the police recovered 180 tablets labelled as Alprazolam 0.5 from joint possession of applicant and other co-accused. Both the accused were arrested after registration of a formal FIR.

(5) Upon completing the investigation and other formalities, the *challan* was presented before this Court and the trial titled as *State v. Harjinder Singh and others*, NDPS/220/2020, is now pending in this Court. During course of the investigation, the applicant was admitted to regular bail. However, during the trial the applicant was found absent on 04.09.2023 and it resulted into the cancellation of his bail order and forfeiture of the bail bonds. On 05.04.2024, the applicant was re-arrested in this case and now he has moved the application for grant of regular bail.

(6) I have heard and considered the rival submissions of both sides in the light of the record placed before me.

(7) Keeping in view the weight of contraband material, i.e. 25.412 grams salt of Alprazolam, such recovery falls under the non-commercial quantity. The applicant has already learnt his lesson by remaining behind bar for a substantial period after violating the earlier bail conditions. No useful purpose will be served to keep the applicant behind bar for indefinite period.

(8) Without making any comments upon the merits of the case, the application is allowed, and the applicant is admitted to the benefit of regular bail on his furnishing personal bond in the sum of ₹1,00,000/- with one surety in the like amount to the satisfaction of learned this Court/Duty Court. The bail order is subject to the conditions as envisaged under Section 437(3) of the Code of Criminal Procedure, as follows:

- i. that the applicant shall attend in accordance with the condition of the bond,
- i. that the applicant shall not commit an offence similar to the offence of which he is accused,
- ii. that the applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer, and
- iii. that the applicant shall not leave India without the previous permission of the Court.

(9) Bail records be tagged with trial file.

PRONOUNCED IN OPEN COURT ON 24th MAY 2024

Rajiv Kalra (PB0098)
Judge, Special Court, Bathinda

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