

**In the Court of Sh. Amar Paul, Judge Special Court,
Ludhiana.**

Bail application No.18108/2018
CNR No.PBLD01028962018
Date of decision: **21.12.2018**

State

Versus

Daniel Lucas Mtweve, son of Lucas Mtweve resident of Plot No.2037, Block-D Kipanga/Kasuku street, H.No.7, Mbezi Beach-Dar Es Salaam, Tanzania and now at MMU International Hostel No.B-14, Mullana Ambala.

...Applicant-Accused

FIR No.263 of 16.11.2018
u/s: 21/29 of NDPS Act
Police Station: Sadar Khanna.

Bail application under Section 439 Cr.P.C.
Present: Sh. Yogesh Sehgal Adv. Counsel for applicant
Sh. Rajbir Singh Chahal Addl. PP for the State

Order:

1. This order shall dispose off bail application of applicant/accused filed under Section 439 of the Cr.P.C., in the present case.
2. Notice of bail application was given to the Addl. PP for the state, Record was called and perused.
3. After hearing the counsel for the applicant and Addl. PP for the State and going through the file, it has been found that on 16.11.2018 during checking by officials of Anti Narcotic Cell Khanna, non applicant who was driving the car Swift was stopped and in the said car on the rear seat one foreigner was sitting and on apprehending the non applicant he disclosed his name Gaurav Kumar and the person who was sitting on rear

seat in the car disclosed his name Denial Lucas Mtweve. On search of the bag carried by applicant 45 gm heroine was recovered, but nothing was recovered from non applicant. Recovery of 45 gm heroine from applicant is greater less than commercial quantity and minor more than small quantity. As per schedule of NDPS Act 5 gm heroine is small quantity and 250 gm is commercial quantity,. Recovery has already been effected. Receipt of chemical report will take time. In the meantime no purpose shall be served by detaining the applicant behind the bars.

4. Bail application of applicant is allowed and applicant is ordered to be released on furnishing personal bail bonds of Rs. 25,000/- with one surety of like amount before this Court. However, it is made clear that if on the receipt of chemical report the case falls in the category of commercial quantity then this order granting regular bail to the applicant shall be considered vacated and applicant would surrender before this Court. Accordingly, bail application allowed and disposed off. Paper be attached with remand paper.

Komal
Stenographer

Amar Paul
UID-PB0450
ASJ-21.12.2018.

Present: Sh. Yogesh Sehgal Adv. Counsel for applicant
Sh. Rajbir Singh Chahal Addl. PP for the State

Heard. Vide my separate detailed order of even date, the present bail application is allowed. Paper be attached with remand paper.

Komal
Stenographer

Amar Paul
UID-PB0450
ASJ-21.12.2018.