

**In the court of Sardar Harjeet Singh, Judge, Special Court,
Moga. (UID No.PB0131)**

CIS No.BA/1744/2023
CNR No.PBMO010046582023
Date of Order:- 02.09.2023

State of Punjab

Versus

Amandeep Kumar alias Amna son of Harjinder Kumar resident of village
Daulatpura Niwan, Tehsil and District Moga.

....Accused/Applicant

FIR No.45 dated 31.05.2023,
U/s 22/61/85 of NDPS Act ,
P.S. Sadar Moga.

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Bail Application under Section 439 Cr.PC.

Present: Sh. Harjit Singh Advocate for applicant/accused
Sh. Amrit Mittal Addl.PP for the State

ORDER

Vide this order, I intend to dispose of bail application under
Section 439 Cr.P.C filed by applicant-accused in the FIR mentioned above.

Main file was received and perused.

Learned counsel for accused/applicant has argued that accused/
applicant has been falsely implicated in the case in hand. Moreover, the
alleged recovery shown to be effected from the accused/applicant does not fall
into commercial quantity. Applicant/accused is in judicial custody since
31.05.2023. The presentation of challan and completion of trial will take long
time and prayed that applicant-accused be released on bail.

Learned Addl.PP for State argued that present case is registered
on the basis of true facts and it is not a fit case, where concession of bail can

be granted to accused/applicant and prayed that bail application be dismissed.

I have considered the submissions of learned Counsel for the applicant-accused and learned Addl. PP for the State.

Perusal of record shows that present FIR was registered by the police on the allegations that the police party headed by ASI Jaswinder Singh were on patrolling in the area of village Ghal Kalan, Rattian, Salina, Khosa Pando, Dhalle Ke etc. When the police party reached on the turn of village Rattian, in the area of village Ghal Kalan, one person was seen coming on foot carrying one transparent polythene envelop in his right hand, who on seeing the police party got perplexed and tried to turn back after throwing away the polythene envelop on the earth. On suspicion, the said person was apprehended and upon asking he disclosed his identity as Amandeep Kumar alias Amna. Upon checking of polythene envelop thrown by the accused/applicant, it was found to be containing 100 loose intoxicant tablets.

Report of FSL goes to show that 100 loose intoxicant tablets alleged to have been recovered from the accused/applicant found to be containing "Tramadol Hydrochloride" salt, having total weight 37.6 grams, which falls into non commercial quantity. Applicant-accused is in custody since 31.05.2023. The presentation of challan and completion of trial will take a lot of time. No useful purpose would be served by detaining the applicant-accused behind bars for an indefinite period. The culpability of applicant-accused shall be gauged during the course of trial. So, in these circumstances and without much commenting upon merits of the case, bail application is allowed and applicant-accused is ordered to be released on bail on furnishing his personal bonds in the sum of ₹ 50,000/- with one surety in the like amount

with following conditions:-

- (i) that applicant shall not leave the country without prior permission of the Court;
- (ii) that he shall appear in each and every date of hearing;
- (iii) that he shall not tamper with the prosecution evidence or shall not threat any prosecution witness.

Papers be attached with relevant record.

Pronounced.
02.09.2023.
(Sunny Stenographer II)

(Harjeet Singh)
Judge, Special Court,
Moga. **(UID No.PB0131)**

Present: Sh. Harjit Singh Advocate for applicant/accused
Sh. Amrit Mittal Addl.PP for the State

Record as well as FSL report received. Arguments heard. Vide my separate order of even date, the present bail application stands allowed. Papers be attached with relevant record.

Pronounced.
02.09.2023.
(Sunny Stenographer II)

(Harjeet Singh)
Judge, Special Court,
Moga. **(UID No.PB0131)**