

Sonu @ Toti Vs State of Punjab

**IN THE COURT OF SH.NAVAL KUMAR,
JUDGE SPECIAL COURT, FEROZEPUR**
(Unique Identification Number PB-0103)

Case Type	Bail application
CIS No.	BA/174/2024
CNR No.	PBFZ0100-0448-2024
Date of Order	29-01-2024.

Sonu @ Toti aged about 40 years son of Hayata, resident of Purani Sabji Mandi, Bagdadi Gate, Ferozepur City, Tehsil and District Ferozepur.

.....Applicant/Accused.

Versus

State of Punjab

.....Respondent.

FIR No.539 dated 26-12-2023
U/S: 21 of Narcotic Drugs & Psychotropic Substances Act, 1985
Police Station: City Ferozepur.

Second application for bail under Section 439 of the
Code of Criminal Procedure.

Present: Sh.A K Hans Advocate, Ld. counsel for the applicant/
accused.
Sh. Amit Goklaney, Addl. Public Prosecutor for the State.

ORDER

This order of mine shall dispose of the bail application filed by the applicant-accused under Section 439 of the Cr.P.C. in case **FIR No.539 dated 26-12-2023 under Section 21 of Narcotic Drugs & Psychotropic Substances Act, 1985, registered at Police Station City Ferozepur.**

2. Notice of the bail application was given to the Ld. Additional Public Prosecutor for the State and police record has also been requisitioned.

3. I have heard learned counsel for the applicant/accused and learned Additional Public Prosecutor for the State and have gone through the record very carefully.

4. It has been contended by learned counsel for the applicant/accused that the applicant/accused has been falsely implicated in the present case. No such offence has ever been committed by the applicant/accused. There is no compliance of mandatory provisions of NDPS Act and thus no case is made out against the applicant/accused. Nothing has been recovered from the applicant/accused. The alleged

recovery has been planted upon him. There is not even a single piece of evidence against the applicant/ accused which connects him with the alleged offence. He is in judicial custody since 26-12-2023 and no more required by the police for further investigation. There is no apprehension of the applicant/accused absconding or tempering with the prosecution evidence. A prayer has been made for releasing the applicants/accused on bail.

5. The Ld. Additional Public Prosecutor for the State, on the other hand, has opposed the bail application by submitting that on the basis of a secret information, a raid was conducted at the disclosed place and 10 grams of heroin, drug money of Rs.10150/- and a motorcycle without documents have been recovered from the applicant/accused Sonu and Rahul (**non-applicant**). So, he is not entitled to the concession of bail. A prayer has been made to dismiss the bail application filed by the applicant/accused.

6. **From the perusal of record, it is revealed that the contraband i.e. 10 grams of heroin along with drug money of Rs.10150/- and a motorcycle without documents have been recovered**

from the conscious possession of the applicant/accused and his co-accused Rahul (**non-applicant**). He is in judicial custody since 26-12-2023. Now, nothing is to be recovered from him. The quantity of alleged contraband i.e. 10 grams of heroin recovered from the conscious possession of the applicant/accused falls in the category of non-commercial quantity. The presentation of challan and the conclusion of trial is likely to take time. Therefore, no useful purpose would be served by detaining the applicant/accused behind bars for an indefinite period. Hence, the applicant/accused is ordered to be released on regular bail on furnishing a bail bond in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of Id. Illaqa/Duty Magistrate subject to the following conditions:

- (I) That the applicant shall not leave the country without the prior permission of the Court;
- (II) That the applicant shall make himself available for interrogation by the Investigating Officer as and when required;
- (III) 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

Sonu @ Toti Vs State of Punjab

them from disclosing such facts to the Court or to any police officer;

(IV) That the applicant shall regularly attend the hearings before the trial Court.

7. The learned Illaqa/Duty Magistrate is directed to send the bail/surety bonds along with relevant documents after accepting and attesting the same to this court. A copy of this order be sent to learned court of Illaqa/Duty Magistrate forthwith. Ahlmad is also directed to send soft copy of this order by e-mail to the concerned Jail Superintendent for compliance of order dated 31.01.2023 of Hon'ble Supreme Court passed in SMWP (Criminal) No.4/2021. The bail application file be annexed with the remand papers/consigned to the Record Room. .

Announced in open court,

Dated of Order: 29-1-2024.

sd/-
(Naval Kumar)
Judge, Special Court,
Ferozepur. (UID No. PB00103).

Parmjit Singh
Stenographer Grade-II
direct dictation.