

**IN THE COURT OF SH. SANDEEP SINGH JOSSAN
(PB0150), JUDGE SPECIAL COURT, HOSHIARPUR**

**B.A. No.1724/2022
CNR No. PBHO010051762022
Decided on: 06.8.2022.**

State of Punjab

Versus

Birbal aged about 19 son of Shashi Kumar, r/o Subhash Nagar Mohalla,
Hajipur, P.S. Hajipur, District Hoshiarpur.

FIR No. 36/ 01.7.2022.
U/s 22-61-85 of ND&PS Act,
P.S. Hajipur.

Present: Sh.RS Abhi, cl for the accused.
Addl. PP for the State.

ORDER

1. This order of mine shall disposed of application filed by the petitioner for grant of interim bail in case F.I.R. No. 36 dated 01.7.2022, U/s 22-61-85 of ND&PS Act, P.S. Hajipur.

Story of the prosecution is that police party had apprehended two persons coming on foot at Pul Nehar on the basis of suspicion and intimation was sent to the police station on which ASI reached the spot and apprised the accused of their legal right one by one as the ASI had apprehension of having some intoxicant in the polythene thrown by them, but accused Raman Kumar and Birbal, reposed faith in ASI. As such, from the search of polythene envelopes 21 gram and 18 gram intoxicant powder respectively was recovered. As such, present FIR was registered.

2. Learned counsel for the accused submitted that accused/

applicant has been falsely implicated in this case to oblige the higher officials. That, no recovery was effected from accused/ applicant. That, he is in custody since 1.7.2022. That, alleged recovery has already been effected and accused/ applicant is no more required for further investigation. That, alleged recovery of appears to be non-commercial quantity.

3. I have heard learned counsel for the accused, learned Addl. Public Prosecutor for the State and have gone through the file carefully.

As per FIR in question, accused was found in conscious possession of 18 gram intoxicant powder. The nature of recovery can be ascertained only after receiving the report of Chemical Examiner. The accused is in custody since 1.7.2022. As such, keeping in view the period of custody, the grounds mentioned in the bail application and the fact that the report of Chemical Examiner is yet to be received, the accused is granted interim bail till the date of receiving Chemical report on furnishing his bail bond in the sum of Rs.50,000/- with one surety in the like amount. It is made clear that in case, on receiving chemical report, the quantity recovered from the possession of the accused is found to be in commercial in nature, then, the bail order passed by this court today, shall stand cancelled automatically and the accused shall be required to surrender in the court. With these observations bail application under reference stands disposed of.

Accused shall not leave India without prior permission of the court; The accused shall continue appearing in Court unless appearance is specifically exempted.

Copy of this order be placed with the remand papers and this
file be consigned to the record room.

Pronounced:
06.8.2022.

Sandeep Singh Jossan
PB0150
JSC/ Hoshiarpur.

*typed by Mukesh Chander,
Stenographer Gr-I*