

First application under Section 439 Cr.P.C for grant of regular bail.

FIR No.49 dated 30.04.2023.
U/s 21 / 29 / 61 / 85 NDPS Act.
P.S : City Dhuri.

Present: Sh. M.S.Biddu, Advocate, Counsel for applicant.
Sh. Husan Bansal, Additional Public Prosecutor_

1. This is an application under Section 439 Cr.P.C for grant of regular bail, filed by the applicant, in the above noted FIR.

2. Notice of bail application has been given to State and in pursuance thereof, learned Additional Public Prosecutor has appeared and contested the bail application. The police record produced and perused.

3. Learned counsel for applicant has submitted that applicant has been falsely implicated in present case and nothing is to be recovered from him. The recovery has already been effected and the applicant is in custody since 30.04.2023. The presentation of challan and conclusion of trial will take sufficient time and no useful purpose would be served by keeping him behind the bars. Therefore, prayer to allow the bail application.

4. On the other hand, learned Additional Public Prosecutor has submitted that recovery of 5 gms of 'chitta' / heroin has been recovered and the applicant is in custody since 30.04.2023. The

Girish,
Judge Special Court,
Sangrur.PB-00180,
Dt. 02.06.2023.

presentation of challan and conclusion of trial will take time. Therefore, prayed to dismiss the bail application.

5. After hearing arguments, it is observed that although, recovery of 5 gms of 'chitta' / heroin intoxicant substance was effected from a transparent 'lifafa' thrown by the applicant. The applicant is in custody since 30.04.2023 and the contraband recovered in the present case falls within the purview of non-commercial quantity. The presentation of challan and, thereafter, conclusion of trial is going to take time. Therefore, no useful purpose will be served by keeping the applicant behind the bars. In the given scenario, I deem this case fit, where the applicant is entitled to regular bail. Accordingly, present bail application stands allowed. The applicant is admitted to bail on furnishing bail bonds in the sum of Rs. 50,000/- with one surety in the like amount to the satisfaction of learned Illaqa / Duty Magistrate subject to the following conditions:

- i). That the applicant /applicants will make available in the investigation of the case, as and when required:
- ii). That the applicant /applicants will not temper with the prosecution evidence and
- iii). That the applicant / applicants will not leave the country without prior permission of the court.

Girish,
Judge Special Court,
Sangrur.PB-00180,
Dt. 02.06.2023.

6. The observation made by the under-signed in the order, will have no bearing on the merits of the case.

7. In view of the order passed by Hon'ble Supreme Court bearing no. **SMWP (Criminal) No.4/2021** titled as **In Re Policy Strategy for grant of bail versus Mr. Gaurav Aggarwal, Advocate is Amicus Curiae** conveyed vide endorsement no.2619/EB dated 18.03.2023 by the learned District and Sessions Judge, Ahlmad is directed to send the copy of same to the under trial prisoners through Superintendent Jail.

Police record be returned. The bail application be consigned to record room.

Pronounced in open court.
Dt. 02.06.2023.

Girish,
Judge Special Court,
Sangrur UID No.PB-00180.

Veena Saluja,
Stenographer Gr.I.

(Directly Dictated).

Girish,
Judge Special Court,
Sangrur.PB-00180,
Dt. 02.06.2023.