

In the Court of Sh. Puneet Mohan Sharma
Judge, Special Court, Hoshiarpur
(UID No. PB0167)

BA/CIS No. 1756 of 2022
CNR No.PBHO01-005248-2022
Date of Order: 3.8.2022

Kulwinder Kaur aged 41 years wife of Balwinder Singh alias Bittu alias Lakhwinder Singh resident of village Dhoot Kalan P.S Hariana Distt. Hoshiarpur.

.....Applicant-accused

Versus

State of Punjab

..... Respondent.

FIR No. 57 dated 5.7.2022
U/s 15 of ND&PS Act, 1985
Police Station: Garhdiwala, Distt. Hoshiarpur.

(FIRST APPLICATION FOR REGULAR BAIL U/S 439 CR.PC)

Present: Sh R.S Bhogal, Advocate, counsel for applicant-accused.
Sh. Rajinder Singh, Additional Public Prosecutor for the State.

ORDER:

1. This order of mine shall dispose of an application moved by applicant/accused for grant of regular bail in case FIR No. 57 dated 05.07.2022 U/s 15 of The Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'ND&PS Act'), Police Station Garhdiwala District Hoshiarpur.

2. As per case of prosecution in brief, On 05.07.2022 ASI Jagdip Singh alongwith other police officials were going towards village Khurdan etc. in connection with patrolling duty and checking of suspicion persons and when the police party reached in the area of village Khiala Balanda,

they saw one clean shaven boy and one lady carrying heavy polythene envelopes in their hands, who on seeing the police party became perplexed but on suspicion they were apprehended. On asking boy disclosed his name as Balwinder Singh @ Bittu and the lady disclosed his name as Kulwinder Kaur @ Reeta w/o Balwinder Singh. Thereafter, during search of polythene envelop carried by Balwinder Singh poppy husk was recovered which on weighment came out to be 3 kg 500 grams and during search of polythene envelop carried by Kulwinder Kaur poppy husk was recovered which on weighment came out to be 2 kg 500 grams. Accused were arrested in this case. Now the applicant-accused has filed application for regular bail.

3. The learned counsel for applicant-accused has contended that the applicant-accused is in custody since 05.07.2022 and nothing is to be recovered from her. He has further contended that presentation of challan and conclusion of trial shall take sufficient time and no useful purpose would be served by keeping the accused behind the bars. So, it is prayed that applicant-accused be released on bail.

4. On the other hand the learned Addl. PP for the State has opposed the bail application on the ground that the recovery of narcotic is serious offence. As such there are chances that accused may flee from the justice in case she is granted bail.

5. I have heard the arguments advanced by Learned Counsel for the applicant-accused as well as learned Additional PP for the State and also perused the file. In this case 2 kg 500 grams poppy husk alleged to have been recovered from the applicant-accused and the recovery

effected from accused falls under non-commercial category. The applicant-accused is in judicial custody since 05.07.2022 and nothing is to be recovered from the accused at this stage. The presentation of challan and conclusion of trial shall take sufficient long time and no useful purpose would be served by keeping the accused in custody. The allegations against the accused are yet to be ascertained by leading evidence. As such the application in hand is allowed and the applicant-accused is ordered to be released on bail on her furnishing bail bonds to the tune of Rs. 50,000/- with one surety of the like amount, to the satisfaction of Illaqa/Duty Magistrate and after accepting the bail/surety bonds same be returned to this Court immediately. Copy of this order be sent to the Court of Illaqa Magistrate for necessary compliance. File of bail application be attached with the remand papers.

Announced in open Court:
Dated: 3.8.2022.

kulvinder Singh JW

**(Puneet Mohan Sharma),
Judge Special Court/Hoshiarpur
(UID No.PB0167)**