

In the Court of Hardip Singh, Judge, Special Court, Ferozepur.

CNR No.PBFZ0100-4357-2022

CIS No. BA/1743 of 2022

Date of Order: 26.07.2022

State of Punjab.

Versus

Gobinda son of Janak Raj son of Nathu Lal, resident of Old Sabzi
Mandi, Ferozepur City.

... Applicant/Accused.

FIR No.180, dated 07.06.2022

U/s 21/61/85 of NDPS Act

Police Station City Ferozepur

(Application for bail under Section 439 of Cr.P.C)

Present: Sh. M.S. Khokhar, Advocate, counsel for applicant/
accused.
Sh. Keemat Singh, Additional Public Prosecutor for the
State.

O R D E R

1. Heard on the bail application filed by applicant/accused
Gobinda, under section 439 of Cr.P.C, pertaining to FIR No.180, dated
07.06.2022, under section 21/61/85 of NDPS Act, Police Station City
Ferozepur.

2. Learned counsel for the applicant/accused has argued and
contended that applicant/accused has been falsely implicated in this
case by planting false recovery. The mandatory provisions of NDPS

Act have not been complied with in the present case. Applicant/accused is in custody since 07.06.2022. Nothing remains to be recovered from the applicant/accused. Hence, prayer has been made for grant of concession of regular bail.

3. Notice of the bail application was given to the State, through learned Additional Public Prosecutor for the State, who appeared and opposed the present bail application on the ground that the applicant/accused has committed heinous crime by keeping 4-1/2 grams of Heroin without any permit or license. As such, he is not entitled for bail. ASI Roop Singh has also appeared alongwith record and suffered a statement that accused has neither filed bail application before Hon'ble Punjab & Haryana High Court, Chandigarh, nor the same is pending in any superior court of law. This is the first regular bail application of accused. In this case, recovery of 4-1/2 grams of Heroin has been effected from applicant/accused and 4-1/2 grams Heroin has been recovered from co-accused/non-applicant Sunny. As such total recovery in this case is 9 grams of Heroin. No offence has been added in this case after registration of FIR. Report of FSL has not been received.

4. Heard. Perusal of the file shows that present FIR has been registered against the applicant/accused and co-accused/non-applicant

Sunny on the basis of secret information and lateron, applicant/accused and co-accused/non-applicant Sunny were apprehended and recovery of 4-1/2 grams of Heroin each was effected from them. Contraband recovered from applicant/accused i.e. 4-1/2 grams of Heroin falls under non-commercial quantity. Recovery has already been effected and at this stage, nothing remains to be recovered from the applicant/accused. He is in judicial custody since 07.06.2022. Investigating agency will take long time in filing challan in this court and further conclusion of the trial will also take time, therefore, no purpose will be served by further detaining the applicant/accused behind bars. As such, I deem it fit to release the applicant/accused on regular bail, subject to furnishing of bail bonds in the sum of Rs. 50,000/- with one surety in the like amount before the learned Illaqa Magistrate/Duty Magistrate, subject to its satisfaction, who will send the bail/surety bonds so furnished by the applicant/accused to this court after attestation. Accordingly, the present bail application stands allowed and disposed of. Anything said in this order shall not affect the merits of the main trial in any manner. File be attached with the remand papers/consigned to the record room.

Announced in open Court.

Dated: 26.07.2022

Pritpal Singh

Stenographer Gr. II

Sd/-
(Hardip Singh)
Judge, Special Court
Ferozepur.
UID No.PB0638