

Rajat Kishore Vs State of Punjab

**IN THE COURT OF MS. RANA KANWARDEEP KAUR CHAHAL,
JUDGE, SPECIAL COURT, KAPURTHALA (UID NO.PB00223)**

CNR No. PBKP010041872024



Case No. BA/1737/2024

Presented on : 28-08-2024
Registered on : 28-08-2024
Decided on : 16-09-2024

Rajat Kishore, s/o Kala Kishore, aged about 29 years, r/o H. No.59,
Mohalla Guru Nanak Nagar, Street No.1A/11, PS Urban Estate, Phase 2
Patiala.

....Applicant/accused

Versus

State of Punjab

.....Respondent.

FIR No.46 of 18.07.2024,
U/S 21/29/61/85 of NDPS Act.
Police Station Dhilwan, District Kapurthala.

[Application for Bail U/s 483 of BNSS]

Present: Sh.Daljeet Singh, Advocate, for applicant/accused.
Sh.APS Dhillon, Addl.P.P. for the State.

ORDER:-

1. File put up before me today being the Duty Officer.
2. Applicant/accused named above has filed this bail application under Section 483 of BNSS in case FIR No.46 of 18.07.2024, under sections 21/29/61/85 NDPS Act, registered at Police Station Dhilwan, District Kapurthala.

Rana Kanwardeep Kaur Chahal,
Judge, Special Court, Kapurthala.
Dated 16.09.2024

3. Upon notice, Sh.APS Dhillon, Additional Public Prosecutor appeared on behalf of State.

ARGUMENTS OF LD. COUNSEL FOR APPLICANT/ACCUSED:

4. The learned counsel for applicant/accused has argued that applicant/accused is innocent and has committed no offence. He has been falsely implicated in the present case. He has no concern with such type of activities. The applicant/accused is in custody since 18.07.2024 i.e. from the date of arrest and no longer required for the purpose of investigation. Co-accused is already on bail. He is innocent and has not committed any offence, as alleged. There is no other case/ FIR registered against the applicant/ accused. Presentation of challan and conclusion of its trial will take sufficient long time. It is further submitted that applicant/accused undertake to abide by all the conditions to be imposed by the Court, if he is released on bail. Lastly, it is prayed that bail application may kindly be allowed.

ARGUMENTS BY LD.ADDL. PUBLIC PROSECUTOR:

5. On the other hand, the learned Addl. PP for the State has opposed this bail application. He has submitted that the applicant/accused has committed serious offence as Heroin has been recovered from him in this case. Accordingly, a prayer is made for dismissal of bail application.

6. Further, ASI Paramjit Kumar had appeared and suffered a statement that as per the record, no bail application under provisions of Section 438 Cr.P.C. or 439 Cr.P.C./ 482 BNSS or 483 BNSS has been filed before the Hon'ble High Court or decided by it or by any other Superior Court against the present applicant/ accused in the present case. He has further stated that 50 grams of Heroin was recovered from the applicant/ accused. Report of FSL is still awaited. He is in custody since 18.07.2024.

7. **I have heard the learned counsel for applicant/accused and learned Addl.PP for the State and have also gone through the record.**

8. Police record produced for disposal of present bail application. The prosecution case is that on 18.07.2024, during Hi-Tec-Naka Dhillwan, applicant/ accused Rajat Kishore along with his co-accused Sahil Bachan was apprehended with 50 grams of Heroin. A car bearing registration No.PB-03-BK-8639 was also recovered from them in which they were travelling.

9. Perusal of police record shows that applicant/accused is presently in custody since from the date of his arrest in this case i.e. 18.07.2024. The recovery of alleged Heroin allegedly effected from the present applicant/accused and his associate falls under the **category of non-commercial quantity**. The presentation of challan and conclusion of the trial would take long time. No useful purpose will be served by

detaining the applicant/accused in custody for indefinite period, rather it would be a burden on State's exchequer. So, keeping in view the facts and circumstances of this case, applicant/accused is ordered to be released on **regular bail** on his furnishing the bail bonds to the tune of **₹1,00,000/-** **with one surety in the like amount**, subject to following conditions:-

- I. That the applicant/accused will not directly or indirectly make any inducement, threats or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.
- II. That the applicant/accused will not leave the territory of India without prior permission of the Court.
- III. That the applicant/accused will appear in the court on each and every date of hearing.
- IV. Applicant/accused shall mark his presence on 1st of every month before the concerned police station till conclusion of trial.

10. Police record be returned along with copy of this order. Record of this bail application be tagged with the concerned file of present FIR.

Pronounced on:
Dated: 16.09.2024
Kaushal Kumar

(Rana Kanwardeep Kaur Chahal)
Judge, Special Court, Kapurthala
(UID No. PB00223).

CIS No.	BA/1737/2024
CNR No.	PBKP010041872024

Present: Sh.Daljeet Singh, Advocate, for applicant/accused.
Sh.APS Dhillon, Addl.P.P. for the State.

File put up before me today being the Duty Officer.

Record has been produced. Arguments heard. Vide my separate detailed order of even date, the bail application filed by applicant/ accused stands allowed as detailed therein. Police record be returned along with copy of this order. Record of this bail application be tagged with the concerned file of present FIR.

Pronounced on:

Dated:16.09.2024

Kaushal Kumar

(Rana Kanwardeep Kaur Chahal)
Judge, Special Court,Kapurthala
(UID No. PB00223)

Rana Kanwardeep Kaur Chahal,
Judge, Special Court, Kapurthala.
Dated 16.09.2024