

IN THE COURT OF RAKESH KUMAR,
UID No. PB-0138
JUDGE SPECIAL COURT
KAPURTHALA

CNR No.
PBKP010043842022



Case No. BA/1783/2022

Presented on : 19-09-2022

Registered on : 19-09-2022

Decided on : 03-10-2022

Shameeh N alias Sumy, s/o Abdul Kabeer Neermunda, aged about 27 years, Neermunda Mulakkal House, Kattupoyil Mambad, Malappuram, Kerala-676542. At present residing at Law Gate, Near Lovely University, Phagwara, District Kapurthala.

.... Applicant/accused.

Versus

State of Punjab.

..... Respondent.

FIR No.92 of 04.09.2022,
U/s 20 of NDPS Act, 1985,
Police Station – Satnampura, Phagwara.

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

Present: Sh.Daljit Singh, Advocate for the applicant/accused.
Ms.Aarti Mehta, Addl. Public Prosecutor for the State.

O R D E R

Record perused. **Arguments have been heard** on regular bail of above referred applicant/ accused Shameeh N alias Sumy in the

above referred FIR. The report of FSL in the present case has not been received. So far as the present FIR, there are allegations of recovery of 1Kg 100 grams of Ganja from the present applicant/ accused on 04.09.2022, in the area Near Agriculture Farm, LPU University, Law Gate Maheru, Phagwara. Now, the applicant/ accused is in custody since 04.09.2022. Report of chemical examiner is awaited and the challan has not been presented till date. The said allegations are warranting the offence punishable under Section 20 of NDPS Act, 1985 against him.

2. Learned counsel for the applicant has vehemently contended that he has falsely implicated in the present case. The alleged recovery has already been effected. He is in custody since 04.09.2022. The report of FSL in the present case has not been received. Moreover, presentation of challan and conclusion of trial will take time. No useful purpose will be served by keeping the applicant behind the bars.

3. On the other hand, learned Addl. PP for the State has contended that gravity of offence does not warrant the concession of regular bail to the applicant/ accused as Ganja has been recovered from the applicant/ accused. So, the present bail application is liable to be dismissed.

4. I have heard the submissions made by learned counsel for the applicant/ accused Shameeh N alias Sumy and learned Addl. PP for the State. In such a situation, finding the fact of period of custody of applicant/ accused since 04.09.2022 and his custody just for awaiting the

report of Chemical Examiner of the allegedly recovered contraband, it has been relied upon 2014 (3) RCR (Criminal) 953 titled as Inderjeet Singh @ Laddi Versus State of Punjab, the applicant/ accused is at least entitled to interim bail till the report of FSL is finally received.

5. Consequently, without commenting on the merits of the case, the applicant/ accused Shameeh N alias Sumy is, hereby, admitted on **interim bail**, subject to result of report of Chemical Analysis and subject to furnishing bail bonds in the sum of Rs.75,000/- with one surety bond of like amount with the conditions that applicant-accused will not tamper with the evidence; will attend the court on each and every date of hearing and will not leave India without prior permission of the court till the disposal of the trial. This is conditional order of interim bail, subject to the result of report of Chemical Analysis. Accordingly, the present bail application stands disposed of. Bail application be attached with the file of concerned FIR.

Pronounced in open Court.
Dated:03.10.2022.

Kaushal Kumar

(Directly dictated on computer)

(Rakesh Kumar)
Judge Special Court,
Kapurthala(UID No. PB-0138).