

PBBT010056092024



Presented on : 14-05-2024
Registered on : 14-05-2024
Decided on : 21-05-2024
Duration : 0 years, 0 months, 7 days

IN THE COURT OF
Judge, Special Court, Bathinda
(Presided Over by Rajiv Kalra, PB0098)

BA/1717/2024

Application for Regular Bail
FIR No. 42 dated 18.04.2024
Under Section 15(b) NDPS Act
PS Nathana (Distt. Bathinda)

State

VERSUS

Manjit Kaur aged about 54 years wife of Avtar Singh resident of Patti Chaina VPO Poohla, District Bathinda (now confined in Central jail, Bathinda).

Sh. Deepak Sehgal, Advocate, counsel for the applicant.
Shri Aseem Goyal, Public Prosecutor for the State.

ORDER
(Delivered on 21-05-2024)

(1) The applicant Manjit Kaur has filed an application under Section 439 CrPC for grant of regular bail in the FIR no. 42 dated 18.04.2024 under Section 15(b) of Narcotic Drugs and Psychotropic Substances Act (in short NDPS Act) as registered at PS Nathana (Bathinda).

(2) As per the police record on 18.04.2024, the police of PS Nathana, apprehended the applicant Manjit Kaur, on the basis of suspicion and on search of the plastic sack carried by her, 10 kilograms poppy husk was recovered. The police also recovered Rs.2,09,500/- from her, which was suspected to be drug money. The applicant was arrested and since then she is in custody. Now applicant Manjit Kaur is before this Court for grant of regular bail.

(3) I have heard and considered the contentions of both sides.

(4) As per police record, the sample parcel has been sent to the chemical examiner for analysis to ascertain the exact nature of substance recovered from the applicant, but no report has been received so far. The exact nature of substance will be ascertained after the receipt of the report of chemical examiner. The applicant has already spent a substantial period behind bar from the day of her arrest.

(5) Hon'ble Punjab & Haryana High Court has dealt with similar circumstances in *Inderjit Singh @ Laddi and others vs. State of Punjab*, 2014(3) RCR 953, and it was held that the Presiding Officer of Special Court dealing with the NDPS Act cases, whenever need is felt and where the matter is being unnecessarily delayed, may grant interim bail till the receipt of the report, and thereafter, may consider the case after the receipt of report.

(6) Now reverting to the case in hand, where the receipt of report of chemical examiner is likely to take time and the matter is unnecessarily being delayed. In these peculiar circumstances, the applicant Manjit Kaur

is ordered to be released on interim bail till the receipt of the report of chemical examiner on her furnishing bail bonds in the sum of ₹1,00,000/- with one surety in the like amount to the satisfaction of this Court/Duty Court, subject to the conditions as envisaged under section 437(3) CrPC.

(7) However, it is made clear that if upon receipt of the report of the chemical examiner, the quantity of recovered substance falls under the commercial quantity under the Act, this order shall be deemed to have come to an end automatically and the applicant has to surrender in the court and will be taken into the custody without any further order of cancellation of her interim bail.

(8) Copy of this order be sent to concerned quarters.

(9) Bail records be tagged with remand/trial file.

PRONOUNCED IN OPEN COURT ON 21st MAY 2024

Rajiv Kalra (PB0098)
Judge, Special Court, Bathinda

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