

**IN THE COURT OF RAMAN KUMAR, JUDGE SPECIAL COURT,
KAPURTHALA**

Lakhbir Chand @ Bharo, aged about 24 years, son of Dilbagh Singh,
resident of Talwandi Chaudharian District Kapurthala.

----- Applicant/accused.

Versus

State of Punjab

----- Respondent

B.A. No. 1672 of 16.09.2019

CNR No. PBKPO1-0047892019

FIR No. 50 of 26.07.2019

Under Section : 22/61/85 of NDPS Act,

Police Station : Talwandi Chaudhrian

District Kapurthala.

Present: Sh.Vipan Sabharwal, Advocate for the applicant /accused.
Sh.Anil Kumar, Ld.Addl. PP for the State.

Heard on bail application filed by the applicant-accused under
Section 439 Cr.P.C. alongwith application praying for grant of ad-interim
bail. The case of the prosecution is that on 26.07.2019, in the area within
the ambit of police station Talwandi Chaudharian, accused Lakhbir Chand
@ Bharo was apprehended and from his possession 30 grams intoxicant
powder was recovered.

The counsel for the applicant/accused has submitted that the
applicant/accused is lying in custody since 26.07.2019. Further ld. counsel
for the applicant/accused has submitted that as per allegations leveled in the
FIR recovery of 30 grams intoxicant powder was effected from the
possession of the applicant/accused, whereas nothing was recovered from
the applicant/accused and false recovery has been planted upon him. The ld.
counsel for the applicant/accused has submitted that it will take time in
receiving the report of chemical examiner. Applicant/accused has filed an

application for interim bail. He has further submitted that our Hon'ble High court in **"Inderjit Singh @ Ladi Versus State of Punjab, 2014 (3) RCR (Criminal) 953 (DB)"** has laid-down that where inordinate delay has already occurred in receipt of report of chemical examiner, the applicant/accused can be given the benefit of interim bail till the receipt of report of chemical examiner.

On the other hand the ld. Additional PP for the State, has contested the instant bail application by advancing arguments. Ld. Additional PP for the State, has brought to my notice that FSL report has not been received yet. He also submitted that there is no certain time to receive the chemical report from FSL.

In these circumstances it can not be said as to how much time it will take in receiving the report of chemical examiner. Applicant/accused is lying in custody since 26.07.2019. In view of the law laid-down in **"Inderjit Singh @ Ladi Versus State of Punjab, 2014 (3) RCR (Criminal) 953 (DB)"**, in the interest of justice applicant/accused is given the benefit of interim bail till the receipt of report of chemical examiner and is ordered to be released on interim bail on furnishing bail bonds in the sum of Rs. 50,000/- with one surety in the like amount, with an undertaking that if on receipt of report of chemical examiner if the contents of the intoxicant substance involved in this case makes the contraband in the category of commercial quantity, as per the provisions of NDPS Act, then the applicant-accused will have to appear/surrender before the court and the benefit of present interim bail shall be deemed to have been automatically cancelled.

Thus, this is conditional order of interim bail, subject to the result of report of chemical Analysis. Ld. Additional PP for the State may also apply for cancellation of interim bail granted to accused on receipt of FSL report, if alleged recovery falls in commercial category. Accordingly, the present bail application stands disposed off. Bail application be attached with the file of concerned FIR. Police record be returned to the concerned quarter.

Pronounced in open court
Dated : 27.09.2019

(Raman Kumar),
UID-PB0183
Judge Special Court
Kapurthala