

BA 1693 of 2024
CNR No. PBH-O01005344 of 2024

Pawan Kumar @ Laddi *versus* State

FIR No.255 dated 25.09.2022
Under Sections **22,61, 85 of NDPS Act**
Police Station, **Tanda**, District Hoshiarpur

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

ORDER:-

1. **Notice** of above referred bail application was issued to the State through Ld.Addl. PP for the State, who put in appearance and contested bail application.
2. Report of Ahlmad has also received, vide which it is reported that no other bail application is pending, however, as per the website of Hon'ble High Court of Punjab & Haryana, Chandigarh is pending or decided by the Hon'ble Punjab & Haryana High Court.
3. The Court record was requisitioned and perused.
4. Ld. Counsel for petitioner has submitted **bail applicant only** came to know that he was declared as proclaimed offender on **01.012.2024, when he was rearrested in this case on 08.02.2024**. He further submitted that that **bail applicant** is in custody since 08.02.2024 and no useful purpose will be served by keeping him in custody for an indefinite period. Hence, prayer for releasing the **bail application** on regular bail has been made.
5. On the contrary, Ld. PP for the State has opposed this application orally by arguing that **bail applicant** has violated the orders

of the Court and has been declared **proclaimed offender**, as such, he is not entitled to bail. Hence, prayer for **dismissal** of instant application has been made.

6. I have heard the Learned Additional Public Prosecutor for the State and the Learned Counsel for bail-applicant and have gone through the record.

7. From the record, it comes out to surface that, on **25.09.2022** the police party while on patrol duty in order to search for miscreants were present near Adda Banich Baja, where an informer gave information against **bail applicant** and co-accused indulging into sale/supply of contraband in the area, and at that time they were waiting customers while standing outside the house of **bail applicant**, and, if, raid be conducted at disclosed place, **bail applicant** alongwith his co-accused could be intercepted and cache of recovery of contraband could be yielded from them. As such, raid was conducted at the disclosed place, two persons on observing the arrival of police party got perplexed tried to enter the house of **bail applicant**. **Jasvir Singh(co-accused)** dropped glazed envelope carried by him in his right hand, on the ground where he was standing, whereas **bail applicant** dropped glazed envelope outside the house from his right hand while entering the house. When, glazed envelope dropped by **Jasvir Singh (co-accused)** was picked up, it was found **47 gms of intoxicant powder** and from the glazed envelope dropped by bail applicant, it was found containing **105 gms of intoxicant powder**.

8. It is evident that the bail applicant granted **interim bail** by Ld. Predecessor of this Court vide order dated **20.10.2022** with conditions that after receipt of FSL report, **bail applicant** to surrender before the Court within one week. On the receipt of FSL Report, the active salt reported to be Tramadol Hydrochloride. The commercial quantity of Tramadol Hydrochloride is 250 gms, meaning thereby the quantity of contraband recovered from bail applicant is intermediate.

9. It is further evident that in the present FIR case, report under Section 173 Cr. P. PC was filed in the Court on **29.04.2023** in the absence of bail applicant. Vide order dated **18.07.2023**, passed by Ld. Ld. Predecessor of this Court, cancelled the bail order order and ordered to summon the accused through nonailable warrants and ultimately bail applicant was declared as **proclaimed offender** on **01.02.2024**. The bail applicant was arrested by the police and produced before the Court, on **08.02.2024**.

10. Therefore, in view of the recovery of contraband yielded from **bail applicant** not **commercial in nature** and the bail applicant was rearrested on 08.02.2024 and since then he is in custody, therefore, I deem this case fit where bail applicant can be said to be entitled to **regular bail**. **The bail applicant is ordered to be admitted to regular bail in the sum of Rs.50,000/- with one surety in the like amount, to the satisfaction of Ld. Illaqa/Duty Magistrate** subject to the conditions that he will appear in the Court on each and every date of hearing, will not tamper with the prosecution evidence and will not

leave India without prior permission of this Court. The proceedings under **Section 446 of the Cr. P.C.** however shall continue and **bail applicant** is directed to **produce** his earlier surety.

11. Nothing above observed by the undersigned for the decision of the bail application would amount to reflection of mind on merit .

12. Police record is ordered to be returned. The bail papers are ordered to be consigned to the Judicial Record Room, Hoshiarpur, after its completion.

13. Copy of this order be placed on main judicial file.

Pronounced in the open Court on this 1st day of July, 2024

(Rajbir Singh)
J.W

(Jaswinder Sheemar),
Judge, Special Court,
HoshiarpurPB-0093