

**In the Court of Shri Shiv Mohan Garg,
Addl. Sessions Judge,
Amritsar.
UID No.PB0164.**

B.A. No. : 174 of 2019.
CNR No. : PBAS010104792019.
CIS No. : 1682/2019.
Date of Institution : 28.03.2019.
Date of Order. : 01.04.2019.

S T A T E
vs.

Baljit Singh alias Bittu son of Harjinder Singh resident of Village Dhulka,
Khalchian, Amritsar.

FIR no.32 dated 07.03.2019.
U/s 21,22 NDPS Act.
P.S. Khilchian.
Ist Bail application u/s 439 Cr.P.C.

Present : Shri Rachhpal Singh, Advocate, counsel for the applicant.
Shri Shivraj Singh Sran, Additional PP for the State.

O R D E R

1. Arguments heard on the bail application filed by Baljit Singh under Section 439 Cr.P.C. for grant of bail. Notice of this bail application was given to Additional PP for the State who appeared and contested it.
2. As per the prosecution version on 07.03.2019 police party headed by ASI Nishan Singh in area of T-point Village Banian apprehended the accused/applicant with 40 intoxicating tablets. So, he was arrested and FIR was registered.
3. It is argued on behalf of applicant that he is falsely implicated in this

case. The mandatory provisions of NDPS Act are not complied with. Nothing incriminating has been recovered from the possession of accused. No report of chemical examiner is received yet. Applicant is in custody from a long period. He will abide by the terms and conditions of bail order and prayer is made for grant of bail.

4. Whereas the learned Additional PP has opposed the bail application stating that keeping in view the gravity of matter accused is not entitled to concession of bail.

5. Heard. Record perused. As per record only 40 intoxicating tablets have been recovered from the possession of accused which are likely to fall in non-commercial quantity. Report of chemical examiner is not received yet. Conclusion of investigation, presentation of challan and conclusion of trial will take long time. Without report it cannot be ascertained as to which salt was recovered and whether the recovered quantity is commercial or non-commercial. In the judgment passed by Division Bench of Hon'ble Punjab & Haryana High Court in case **Inderjit Singh @ Laddi Versus State of Punjab, Criminal Misc. No.13140 of 2012 decided on 31.1.2014**, it was held that Special Courts dealing with NDPS Act cases may grant interim bail till receipt of report of FSL in cases where the need is so felt and matter is unnecessarily delayed. Accordingly, keeping in view the contraband and period of custody of accused and that the matter is being delayed due to non-receipt of FSL/chemical examiner report, for want of

challan and conclusion of trial will take time the accused deserves for the grant of benefit of interim bail till the receipt of FSL/chemical examiner report. Accordingly, applicant/accused is ordered to be released on interim bail on his furnishing personal bonds in the sum of ₹50,000/- with one surety in the like sum, till the receipt of report of FSL/chemical examiner and bail application will be reconsidered on receipt of report of FSL/chemical examiner, subject to following conditions:

- 1) That the applicant shall not leave the country without prior permission of the Court.
- 2) That the applicant will not intimidate the prosecution witnesses.
- 3) That the applicant will appear on each and every date of hearing unless exempted.

6. Anything observed herein will have no effect on the merits of the case.

Record of bail application be attached with pending remand papers.

**Pronounced :
01.04.2019.**

**(Shiv Mohan Garg)
Judge, Special Court,
Amritsar.
UID No.PB0164.**

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