

In the court of Ranjit Kumar Jain,
Judge Special Court, Patiala.(PB0077)

BA No.1680/2021
CNR No. PBPT010052772021
Date of Decision: 31.5.2021

1. Ajit Singh, aged 41 years son of Avtar Singh resident of House No. 21/8, Jaina Nagar, Basti Sheikh, Jalandhar-1, Jalandhar.
2. Gurjant Singh aged about 23 years son of Harbhajan Singh resident of village Kamalpur, Tarn Taran.

Versus

State of Punjab

FIR No. 66 dated 15.5.2021
U/s 15 of NDPS Act
Police Station: Shambu

Application filed U/s 439 of Cr.P.C for grant of regular bail.

Present: Sh. Deepak Sood, Advocate for applicants-accused.
Sh. K.S. Bajwa, Addl. Public Prosecutor for State

ORDER

1. This order of mine shall dispose off application under Section 439 Cr.P.C for grant of regular bail as moved by applicants-accused in the above mentioned case on the grounds that they are innocent and falsely involved in this case. There is no reason to believe that they have committed the alleged offence. They are in custody since 15.5.2021. The allegations in the FIR are that accused/applicants were in possession of 8 kg of Poppy husk. Alleged recovery has already been effected and they are no longer required for the purpose of investigation. No offence under Section 15 of NDPS Act is made out. The applicants are neither habitual offenders nor they deal in narcotics and undertaken not to commit the offence again, if released on bail. The mandatory provision of NDPS Act

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has not been complied with. The report of Chemical Examiner has not been obtained so far. Presentation of challan and completion of trial will take long time. Applicants are permanent residents of District Jalandhar and Tarn Taran and there is no chance of absconding or tampering with prosecution evidence. They are not accused in any other case. Reference has been made to the meeting of High Powered Committee of the Hon'ble High Court as per directions of Hon'ble Supreme Court of India. Prayer is made for allowing the bail application.

2. Upon notice, bail application is contested by State.

3. Police file is called and same is perused.

4. Heard. As per version by the prosecution both applicants/accused are driver and conductor of the bus and 8 kg Poppy Husk was recovered while it was lying at the back of the driver seat. It is also alleged that at the time of recovery few passengers were also there in the bus. Recovery in this case is 8 kg of Poppy Husk which is less than commercial quantity. Accused are in custody since 15.5.2021. In view of the surge in Covid-19 cases it would be rather a burden on State exchequer to maintain two persons inside jail at the cost of State. The recovery is also not heavy so no useful purpose will be served to retain them in custody any more. As such, they are ordered to be released on regular bail on furnishing the bail bonds in the sum of Rs.50,000/- with one surety in the like amount each to the satisfaction of Illaqa/Duty Magistrate. Police record be returned whereas bail application file be consigned to the record room.

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jaspal singh stenographer-II

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