

IN THE COURT OF SH. KARAMJIT SINGH SULLAR,
JUDGE, SPECIAL COURT, LUDHIANA (UID-PB0141).

Bail Application No.32 of 09.01.2019.
CIS No. BA/232/2019.
CNR No. PBLD01-000738-2019.
Date of Decision : 16.01.2019.

State of Punjab.

Versus

Sandeep Kumar son of Pawan Kumar resident of House No.20/3, Street
No.01, Heera Nagar, Near Moti Nagar, Ludhiana.

... .. Applicant.

FIR No.190 dated 26.11.2018,
under Section 15 of NDPS Act, 1985
Police Station : Division No.3, Ludhiana.

Application for regular bail u/s 439 of Cr.P.C.

Present - Sh. Som Parkash, Advocate for the applicant.
Ms. Pooja Singal, Additional P.P. for the State.

ORDER

Applicant Sandeep Kumar filed present application for regular bail under Section 439 Cr.P.C.

2. Notice of the present application for regular bail was issued to the State. Then, the ld. Additional PP for the State, on receipt of the notice, appeared to contest the same, on producing record by the investigating agency.

3. The ld. counsel for the applicant contended that applicant is falsely implicated in this case. The alleged recovery of poppy husk falls under non-commercial quantity. The applicant is in custody since long. So, the applicant may be released on bail.

4. On the other hand, the ld. Additional PP for the State argued that the applicant has committed heinous offence as heavy recovery of poppy husk was effected from him, as such, he cannot be given the benefit of bail. Then, the ld. Additional PP for the State placed copy of recovery

memo of 07 Kilograms poppy husk dated 26.11.2018, copy of arrest memo of applicant Sandeep Kumar dated 28.11.2018, copy of the personal search memo of applicant Sandeep Kumar dated 28.11.2018 and copy of recovery memo of truck mark LP bearing no. PB-65-R-0528 dated 26.11.2018 on record. The ld. Additional PP for the State further argued that keeping in view the gravity of offence committed by the applicant, he does not deserve any kind of leniency, therefore, this bail application may be dismissed.

5. I have considered the respective submissions of the ld. counsel for the applicant, the ld. Additional PP for the State and have perused the police record carefully. Allegations against the applicant are that on 26.11.2018, ASI Varinder Singh of P.P. Dharampura of P.S. Division No.3, Ludhiana alongwith other police officials was present at Bala Ji Mandir situated at G.T. Road adjoining to the ganda nala bridge of Kirpal Nagar in connection with checking and patrolling duty, where secret informer had approached ASI Varinder Singh and gave him secret information that Gurdeep Singh son of Gurdit Singh resident of House No.10, Street No.01, Master Colony, Near Ahluwalia Colony, P.S. Jamalpur, Ludhiana used to sell poppy husk. Above said Gurdeep Singh is wearing black shirt, black pant, jacket and he is having one truck mark LP bearing no. PB-65-R-0528, with which, said Gurdeep Singh used to do the business of transportation. Above said Gurdeep Singh has brought poppy husk while concealing the same in the dash board of his said truck in plastic bag and he has parked his truck alongwith the trucks of other transporters at the GT road leading to Kirpal Nagar. Said Gurdeep Singh is sitting on the driver's seat of his truck and he is waiting for customers for selling the poppy husk brought by him. If the raid is conducted immediately and checking of the dash of said truck of Gurdeep Singh is conducted, then poppy husk can be recovered. As the information was reliable, so ASI Varinder Singh had informed Inspector Kamaldeep Singh, SHO of P.S. Division No.3 and requested him to sent the investigating officer. Then, ASI Varinder Singh had scribed ruqa and sent the same to police station Division No.3, where the present case was registered and investigation was initiated, during which applicant Sandeep

Kumar was arrested and 07 Kilograms poppy husk was recovered in this case. Now, applicant Sandeep Kumar is in custody since 28.11.2018 in this case and he is no more required for any custodial interrogation as the alleged recovery has already been effected. Moreover, the alleged recovery of poppy husk effected in this case is non-commercial quantity. Presentation of challan and conclusion of trial will take sufficient time. No useful purpose would be served by detaining applicant Sandeep Kumar behind the bars for indefinite period. Therefore, the contention of the Id. counsel for the applicant raised with regard to the application for bail is found to be sustainable, resulting of which, the application for bail under section 439 of Cr.P.C., moved by applicant Sandeep Kumar is hereby allowed and applicant Sandeep Kumar is ordered to be released on bail on his furnishing personal bonds in the sum of Rs.50,000/- with one surety in the like amount, subject to following conditions:-

- a) that the applicant shall make himself available for interrogation by a police officer as and when required.
- b) that the applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the accusations against him so as to dissuade him from disclosing such facts to the court or to any police officer.
- c) that the applicant shall not leave India without the previous due permission of the court.

Requisite bail bonds and surety bonds not furnished. File of the present bail application be attached with remand papers.

Announced on : 16.01.2019.

(Karamjit Singh Sullar)
Judge, Special Court, Ludhiana.
(UID-PB0141)

Deepak Sharma/SG.

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Present - Sh. Som Parkash, Advocate for the applicant.
Ms. Pooja Singal, Additional P.P. for the State.

Police record received, perused and returned. Then, the ld. Additional PP for the State placed copy of recovery memo of 07 Kilograms poppy husk dated 26.11.2018, copy of arrest memo of applicant Sandeep Kumar dated 28.11.2018, copy of the personal search memo of applicant Sandeep Kumar dated 28.11.2018 and copy of recovery memo of truck mark LP bearing no. PB-65-R-0528 dated 26.11.2018 on record. Arguments on the present application for regular bail moved by applicant Sandeep Kumar, heard. Vide separate detailed order of even date, the present application for bail is allowed. Record of the present regular bail application be attached with remand papers.

Announced on : 16.01.2019.

(Karamjit Singh Sullar)
Judge, Special Court, Ludhiana.
(UID-PB0141)

Deepak Sharma/SG.