

**IN THE COURT OF SH. SANDEEP SINGH JOSSAN
(PB0150), JUDGE SPECIAL COURT, HOSHIARPUR**

**B.A. No. 2320/2021
CNR No. PBHO010064362021
Decided on: 21.10.2021**

State of Punjab

Versus

- 1) Rahul Sharma, aged about 35 years,
- 2) Ajay Sharma, aged about 26 years, both sons of Ashwani Kumar, r/o village Hajipur, P.S. Hajipur, Distt. Hoshiarpur.

FIR No. 91, dated 14.9.2021,
U/s 22-61-85 of NDPS Act,
P.S. Hajipur, Distt. Hoshiarpur.

Present: Sh.Jog Raj, cl for the accused.
Addl. PP for the State.

ORDER

1. This order of mine shall disposed of application filed by the petitioners for grant of interim bail in case F.I.R. No.91, dated 14.9.2021, U/s 22-61-85 of NDPS Act, P.S. Hajipur, Distt. Hoshiarpur.

2. Learned counsel for the accused submitted that in-fact nothing was recovered from the applicants/ accused as the police of PS Hajipur came to the shop of applicants who were working with their father namely Ashwani Kumar and asked the accused to go with them to PS Hajipur, as they have to make some enquiries from them on 14.9.2021 in presence of their father and other shopkeepers and thereafter the police planted the alleged recovery.

3. I have heard learned counsel for the accused, learned Addl.

Public Prosecutor for the State and have gone through the file carefully.

As per FIR in question, accused was found in conscious possession of 72 capsules and 40 capsules respectively. The nature of recovery can be ascertained only after receiving the report of Chemical Examiner. The accused are in custody since 14.9.2021. As such, keeping in view the period of custody, the grounds mentioned in the bail application and the fact that the report of Chemical Examiner is yet to be received, the accused are granted interim bail till the date of receiving Chemical report on furnishing his bail bond in the sum of Rs.50,000/- with one surety in the like amount. It is made clear that in case, on receiving chemical report, the quantity recovered from the possession of the accused is found to be in commercial in nature, then, the bail order passed by this court today, shall stand cancelled automatically and the accused shall be required to surrender in the court. With these observations bail application under reference stands disposed of.

Accused shall not leave India without prior permission of the court; The accused shall continue appearing in Court unless appearance is specifically exempted.

Copy of this order be placed with the remand papers and this file be consigned to the record room.

Pronounced:
21.10.2021

Sandeep Singh Jossan
PB0150
JSC/ Hoshiarpur.

*typed by Mukesh Chander,
Stenographer Gr-I*