

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

**B.A. No.1419/2023
CNR No. PBHO010042242023
Decided on: 31.5.2023**

State of Punjab

Versus

Neelam @ Channi aged 47 years, w/o Channa Ram, r/o mohalla Bhagat Nagar, PS Model Town, Distt. Hoshiarpur.

FIR No. 368, dated 8.12.22,
U/s 22, 29/61/85 of NDPS Act,
P.S. City, Hoshiarpur.

Present: Sh Sandeep Sharma, cl for the accused.
Addl. PP for the State.

ORDER

1. This order of mine shall disposed of application filed by the petitioner for grant of interim bail in case F.I.R. No. 368, dated 8.12.22, U/s 22, 29/61/85 of NDPS Act, P.S. City, Hoshiarpur.

Story of the prosecution is that police party was present at Dhobi Ghat, when a secret information was received that Beeru Ram (accused) used to sell intoxicants and could be apprehended as on that day also waiting for customers in front of liquor vend at Dhobi Ghat. On believing the information true raid was conducted, where the accused was found and on seeing the police party became perplexed and tried to run away but was apprehended and he was apprised of his legal right by ASI to be searched as the ASI had apprehension of having some intoxicant in his possession, but accused reposed faith in ASI. As such, from the search of accused 43 gram intoxicant powder along-with Rs.55,000/- drug-

money and computerized scale was recovered. As such, present FIR was registered.

During interrogation he named Neelam @ Channi.

2. Learned counsel for the accused submitted that accused/ applicant is innocent and has been falsely implicated in this case. That, accused/ applicant is not named in the FIR and has been implicated on the basis of confessional statement of co-accused, which is not admissible in law. That, no recovery was affected from the accused/ applicant. That, she is in custody since 17.5.23. That, no useful purpose will be served by keeping the accused behind bars as it will take long time to produce the challan.

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, 43 gram intoxicant powder along-with Rs.55,000/- drug-money were recovered from co-accused and the accused/ applicant has been implicated on the basis of his confessional. The nature of recovery can be ascertained only after receiving the report of Chemical Examiner. The accused is in custody since 17.5.23. 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 is 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:
31.5.2023

Sandeep Singh Jossan
PB0150
JSC/ Hoshiarpur.

*typed by Mukesh Chander,
Stenographer Gr-I*