

**IN THE COURT OF PUNEET MOHAN SHARMA,
(UID NO. PB0167) ADDITIONAL SESSIONS JUDGE
SHAHEED BHAGAT SINGH NAGAR**

Date of Institution: 19.12.2018

Date of Order: 21.12.2018

CRN No.PBSB01004829-2018

Rano and another Vs. State of Pb.

FIR No.126 Dated 23.11.2018
U/s 15 of NDPS Act,
P.S. Sadar Banga.

Present: Sh. Baldev Raj, Adv. counsel for accused/applicants
Amirk Singh and Rano.
Sh. Varinder Kumar, Addl. PP for the State .

Application for bail U/S 439 Cr.P.C

ORDER:

1 Heard. Vide this order, I shall dispose of bail application U/S 439 Cr.P.C. for grant of regular bail filed by applicants **Amrik Singh and Rano** in FIR No.126 dated 23.11.2018, U/S 15 of NDPS Act, P.S. Sadar Banga.

2 The allegations against the accused are that on 23.11.2018, the

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applicants/accused were apprehended by the police party headed by ASI Rashpal Singh and from possession of accused Amrik Singh 02 Kg of poppy husk whereas from possession of accused Rano 3 Kg. of poppy husk was recovered without any license or permit. Hence, this bail application.

3 Notice of this bail application was issued to the state but no reply has been filed.

4 I have heard ld. counsel for the applicants/accused and Ld. Addl.P.P for the state and gone through the record produced by the Investigating Officer of the case.

5 Ld. counsel for the applicants/accused contended that applicants/accused have been falsely implicated in this case and no recovery is to be effected from them. Further, the recovery alleged to have been effected from the accused falls within the category of non commercial. No useful purpose shall be served by retaining them behind the bars for indefinite period and in the end prayed for releasing the applicants/accused on bail.

6 On the other hand, Ld. Addl.P.P for the state opposed the bail application by stating that applicant Amrik Singh was found in possession

of 02 Kg of poppy husk whereas applicant Rano was found in possession of 03 Kg. of poppy husk without any permit or licence and have committed serious offence and they should not be granted concession of bail and requested for dismissal of the bail application.

7 In the present case, the recovery of the poppy husk has already been effected from the applicants/accused. The applicants/accused are in custody since 23.11.2018. Further, the applicants/accused can not be kept behind the bars for indefinite period. Even otherwise, the poppy husk recovered from the applicants/accused falls within the category of non commercial quantity. The presentation of challan and conclusion of trial will take long time. So keeping in view the facts and circumstances of the present case, applicants/accused **Rano & Amrik Singh** are ordered to be released on bail on furnishing bail bonds in the sum of Rs.1,00,000/- each with one surety in the same amount each to the satisfaction of the Illaqa Magistrate/Duty Magistrate. Copy of this order be sent to the concerned Court for necessary compliance immediately. After acceptance and attestation, the bail bonds & surety bonds be returned back immediately. The observations made by this Court while deciding this application are only for limited purposes for adjudication of the bail application and as such, are not to be construed expression of merits of the

case. Record be returned back and the file of bail application be consigned to record-room.

Date of order : 21.12.2018

(Puneet Mohan Sharma)
JSC (UID No.PB0167)
SBS Nagar.

(mahesh)

(Puneet Mohan Sharma,JSC,SBS Nagar (UIDNo.PB0167))