

IN THE COURT OF DR RAM KUMAR SINGLA

UID No. PB-0122

JUDGE SPECIAL COURT

KAPURTHALA

Bail Application No. 1431 of 19.08.2019

Date of Institution:19.08.2019

CNR No.PBKP01-004103-2019

Date of Decision : 26.08.2019

Sharda Begum, w/o Bashir Khan, aged about 37 years, r/o Village Tibba,
Talwandi Chaudhrian, District Kapurthala.

.... Applicant/accused.

Versus

State of Punjab.

..... Respondent.

FIR No.43 of 31.05.2019,

U/s 21 of NDPS Act, 1985,

Police Station – Fattudhinga, District Kapurthala.

Application for bail under Section 439 of Cr.P.C.

Present: Sh.Sukhminder Singh, Advocate for the applicant/accused.
Sh.Arvind Sahai, Addl. Public Prosecutor for the State along
with HC Bakshish Singh, No.1027/Kpt., Police Station
Fattudhinga, District Kapurthala.

O R D E R

Police record has been received and perused. **Arguments**
have been heard on regular/ interim bail of above referred
applicant/accused namely Sharda Begum in the above referred case. In
view of the police record and as per the statement of HC Bakshish Singh,

as has been recorded today, the present applicant/accused is not involved in any other case, except the present one. The report of FSL in the present case is still awaited. So far as the present FIR, there are allegations of recovery of 698 grams of heroin, without any valid permit or license was effected from the applicant and her son Abhishek Mohammad i.e. co-accused/ non applicant on 31.05.2019 in the area of Chowk Shahdaula, Police Station Fattudhinga, District Kapurthala. The applicant/ accused is in custody since 31.05.2019 in this FIR till date. Report of chemical examiner is awaited and the challan has not been presented till date. The said allegations are warranting the offence punishable under Section 21 of NDPS Act, 1985 against her.

2. Notice of the bail application was issued to the State. Thereafter, learned Public Prosecutor for the State appeared. Record of the case has also been summoned.

3. Learned counsel for the applicant/accused contended that applicant/ accused is in custody since 31.05.2019. He has argued that the applicant/accused has been falsely implicated in the present case; she is innocent and she may be granted the interim bail on account of the law laid down by the Hon'ble High Court of Punjab & Haryana in ***"Inderjit Singh alias Laddi Vs. State of Punjab (DB) RCR 2014(3) page 953"***.

4. The brief facts of the prosecution story are that on 31.05.2019, the present applicant/accused was apprehended with 698

grams of heroin, without any valid permit or license along with her son Abhishek Mohammad i.e. co-accused/ non applicant, but report of Chemical Examiner has not yet been received and admittedly she is in custody since the date of said recovery. Admittedly, the applicant/ accused is in custody since 31.05.2019 from the date of registration of the aforesaid FIR and 698 grams heroin has been recovered from her possession. Perusal of *“Inderjeet Singh’s judgment (supra)”* shows discretion is given to Presiding Officer whenever the need is felt and matter is being unnecessary delayed may grant interim bail till the receipt of the FSL report and thereafter consider the bail after the receipt of the report. But for the act & conduct of the applicant/accused that as per police record apart from the present FIR, the applicant was apprehended in the present case with heavy quantity of contraband, as referred above that too she was apprehended along with her son in the present case. Therefore, she has not been held entitled to the concession of interim bail, as reasonable grounds are made out of commission of offence by her in future also considering her antecedents, as brought on record by the police. Consequently, the regular / interim bail of the applicant/ accused is dismissed and disposed of at this stage. Anything stated herein will not affect the merit of the main case. Police record be returned and this bail application be attached with remand papers.

Pronounced in open Court.
Dated:26.08.2019.
Kaushal Kumar

(Dr Ram Kumar Singla)
Judge Special Court,
Kapurthala.
(UID No. PB-0122).