

Babli @ Babu Versus State. BA No.1406 of 2021.
(CNR No.PBHO01-003782-2021).

‘Application U/s 439 Cr.P. C for Regular Bail’.

Present: Shri M.L Rahanu, Counsel for applicant-accused.
Shri Rajnish Salaria, Additional PP for the State.

ORDER:

In view of order of Learned Sessions Judge, Hoshiarpur bearing Endst. No. 10871 dated 24.5.2021, the present bail application is entrusted to self. Applicant Babli @ Babu is seeking bail in FIR No.125 dated 2.6.2021, under Section 21-61-85 of ND&PS Act pertaining to Police Station Model Town, Hoshiarpur.

2. Upon notice, application is opposed by Learned Additional PP for the State on the ground that allegations against accused are serious and she cannot be granted bail because the offence is heinous in nature. So, he has prayed that application be dismissed.

3. Version of prosecution in brief is that on 2.6.2021, SI Jasbir Kaur was present at police station where MHC informed that that police party headed by ASI Bakhshish Singh were on patrolling duty and were going towards Tanda Bye-pass Road T-Point from Bhagat Nagar and when the police party reached near Niwian Jhuggian opposite shop of Bunty Dentor, one lady

was spotted coming from Niwian Jhuggian on the road. On seeing the police party, she became perplexed and thrown polythene envelope carried out by her in her right hand. She was apprehended on the basis of suspicion and on asking, accused disclosed her name as Babli @ Babu wife of Dilpreet, resident of Village Niwian Jhuggian. After complying with the provisions of law, search of polythene envelope was conducted and '*Heroin*' was recovered which on weighment, came to be 10 gram. Other formalities were also completed and accordingly case was registered against the accused under Section 21-29-61-85 of ND&PS Act and accused was arrested.

4. Learned Counsel for applicant-accused has argued that applicant has been falsely implicated and she has committed no offence. The applicant-accused is in custody since 2.6.2021. As per schedule attached to ND&PS Act, the recovered contraband falls below the commercial quantity. The applicant-accused Babli @ Babu is in custody since since her arrest. The presentation of challan and conclusion of trial may take time. No useful purpose will be served by keeping the applicant-accused in custody, rather it will be burden on the State Exchequer. Without commenting on the merits of the case, applicant-accused Babli @ Babu is ordered to be released on bail subject to her furnishing personal bail bonds in the sum of Rs.50,000/- with one surety in the like amount before Trial/Duty Judge, subject to the conditions that she will appear in the court on each and every date of hearing, will not tamper with the prosecution evidence and will not leave India without prior permission of this court. Bail application stands disposed of accordingly. Bail application be attached with the remand papers.

Announced in open Court:

Dated: 24th June, 2021.

'Gautam Manocha, JW (SG)'

(Jatinder Pal Singh Khurmi),
(D) Judge, Special Court, Hoshiarpur.
(UID No.PBO-0057).