

IN THE COURT OF SH. K.K.SINGLA,
JUDGE SPECIAL COURT, GURDASPUR

CIS BA No.1428 of 2018
Date of decision 25.06.2018

Aman son of Ram Parkash R/o Kapoori Gate, P.S.City Batala, Tehsil Batala,
District Gurdaspur

.....Accused/applicant.

Versus

State of Punjab

..Respondent

FIR No. 30 dated 27.4.2018
Under Section 21/61/85 of NDPS Act
PS Sekhwan

First petition u/s 439 Cr.P.C.

Present : Sh B.S.Simble, Advocate counsel for applicant/accused.
Sh. Bikram Singh Malha, Addl. P.P for the State.

ORDER

1. Present bail application has been filed under Section 439 Cr. P.C on behalf of accused/applicant Aman for grant of regular bail in FIR No. 30 dated 27.4.2018, Under Section 21/61/85 of NDPS Act,PS Sekhwan. Alongwith regular bail application request for interim relief is also sought by the accused-applicant.
2. Allegations are that accused was found in possession of 10 grams of Heroin without any permit or license.

3. Notice of the bail application was given to the State. Sh. Bikram Singh Malha, learned Additional P.P. has put in appearance on behalf of the State.
4. Learned counsel for applicant has contended that the applicant is innocent and has been falsely implicated in this case. He further contended that the applicant/accused is in custody since 27.4.2018 and prayed that he be released on interim bail.
5. On the other hand, learned Additional Public Prosecutor has opposed the bail application on the ground of gravity of the offence.
6. I have heard the learned counsel for the applicant-accused, learned Additional Public prosecutor and have gone through the record on the file.
7. After going through the record on the file it is clear that in this case the applicant-accused has been booked for having been found in illegal possession of 10 grams of Heroin.
8. In the given circumstances, no case for regular bail is made out. Accordingly, relief sought by applicant/accused for regular bail stands declined.
9. Concededly, report from Forensic Science Laboratory has not been received. Statement of HC Malkiat Singh has been recorded to that effect. The applicant/accused is in custody since 27.4.2018. Presentation of challan and trial thereof will take sufficient long time. No useful purpose would be served by detaining him in judicial custody for indefinite period. Therefore,

without commenting on the merits of the case, at this stage the interim relief sought by accused-applicant Aman is allowed and he is ordered to be released on interim bail till the receipt of report of FSL on furnishing bail bonds in the sum of Rs.25,000/- with one surety in the like amount, subject to the conditions that he would not leave the country without prior permission of the court; he would not influence the witnesses of the prosecution and would appear before court on each and every date of hearing and will surrender before the court as and when report of FSL is received.

10. Papers be attached with the remand papers.

Pronounced
Dated:-25.6.2018

(K.K.Singla)
Judge, Special Court,
Gurdaspur (Duty)
UID No. PB 0197

Prem Kumr
Stenographer-II

Present : Sh B.S.Simble, Advocate counsel for applicant/accused.
Sh. Bikram Singh Malha, Addl. P.P for the State.

H.C Malkiat Singh appeared and got recored his statement to the effect that 10 grams of Heroin has been recovered from applicant/accused in this case. Report of Chemical Examiner has not been received till today.

Arguments heard. Vide my separate detailed order pronounced today, bail application for regular bail stands dismissed. However, application moved by applicant/accused for interim bail is allowed is detailed therein. Bail bonds not furnished. Papers of the bail application is ordered to be attached with the remand papers.

Pronounced
Dated:-25.6.2018

(K.K.Singla)
Judge, Special Court,
Gurdaspur (Duty)
UID No. PB 0197

Prem Kumar
Stenographer-II