

IN THE COURT OF RAKESH KUMAR,
UID No. PB-0138
JUDGE SPECIAL COURT
KAPURTHALA

CNR No.
PBKP010003572023



Case No. BA/141/2023

Presented on : 21-01-2023

Registered on : 21-01-2023

Decided on : 30-01-2023

Dinesh Rai, s/o Gugu Rai @ Gangu Rai, aged about 47 years, r/o Village Fatehpur Parsa Saran, Bihar, at present Gali No.4, Mohalla Bhagatpura, Phagwara, District Kapurthala.

.... Applicant/accused.

Versus

State of Punjab.

..... Respondent.

FIR No.96 of 30.12.2022,
U/s 15 of NDPS Act, 1985,
Police Station – Begowal, District Kapurthala.

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

Present: Sh.Gurjinderpal Singh, Advocate for the applicant/accused.
Ms.Aarti Mehta, Addl. Public Prosecutor for the State.

O R D E R

Record perused. **Arguments have been heard** on regular bail of above referred applicant/ accused Dinesh Rai in the above referred case. In view of the record of the present FIR, the report of FSL in the

present case is still awaited. There are allegations of recovery of 1 Kg 300 Grams of Poppy Husk from the applicant/ accused Dinesh Rai on 30.12.2022, in the area of Begowal Satgur Rakha Chowk apart from the recovery of 1 Kg 100 Grams of Poppy Husk from his co-accused Bacha Lal. Two trucks bearing No.PB-32-P-4771 and No.PB-32-P-3171 were also recovered from them. Now, the applicant/ accused is in custody since 30.12.2022 in this FIR till date for the allegations of aforesaid recovery. Report of chemical examiner is awaited and the challan has not been presented till date.

2. Learned counsel for the applicant has vehemently contended that he has falsely implicated in the present case. The alleged recovery has already been effected. He is in custody since 30.12.2022. The report of FSL in the present case has not been received. Moreover, presentation of challan and conclusion of trial will take time. No useful purpose will be served by keeping the applicant behind the bars.

3. On the other hand, learned Addl. PP for the State has contended that gravity of offence does not warrant the concession of regular bail to the applicant as the recovery of Poppy Husk has been effected from the applicant/ accused and his associate. So, the present bail application is liable to be dismissed.

4. I have heard the submissions made by learned counsel for the applicant/ accused and learned Addl. PP for the State. Admittedly, the alleged recovery of Poppy Husk has already been effected from the

applicant/ accused. Sufficient period of his custody has also been passed to the recovery of that non-commercial quantity of contraband. Even by ignoring the report of chemical examiner, as the said recovered contraband may be considered as Poppy Husk, he is no more required to be detained for indefinite period in this case.

5. Consequently, the applicant/ accused Dinesh Rai is, hereby, admitted on regular bail, subject to furnishing bail bonds in the sum of Rs.75,000/- with one surety bond of like amount with the conditions that applicant-accused will not tamper with the evidence; will attend the court on each and every date of hearing and will not leave India without prior permission of the court till the disposal of the trial. Accordingly, the present bail application stands disposed of. Bail application be attached with the file of concerned FIR.

Pronounced in open Court.
Dated:30.01.2023.

Kaushal Kumar

(Directly dictated on computer)

(Rakesh Kumar)
Judge Special Court,
Kapurthala(UID No. PB-0138).