

Dalip

Vs. State

FIR No. 44 of 28.05.2019

U. Section: 20/22/29/61/85

NDPS Act

Police Station: Talwara

Present: Sh. Naveen Jairath Adv. counsel for the applicant

Sh. TS Grewal Addl. PP for the State

ORDER

1. This order shall dispose of regular bail application filed by the applicant namely Dalip aged 31 years son of Daya Ram resident of ward no.6, Bhera Purana, Talwara Township, PS Talwara, Distt. Hoshiarpur.

2. As per prosecution story on 28.05.2019, during checking, SI Gagandeep Singh apprehended Dalip son of Daya Ram on the basis of suspicion. On personal search of Dalip, 600 tablets marka Alprasaft 0.5 salt Alprazolam, 60 grams Ganja, were recovered from the bag hanged by him with the handle of his motorcycle. He was arrested. Ruqa was sent to the police station on the basis of which present FIR was registered.

3. The learned counsel for the applicant prayed for grant of interim bail to the applicant on the ground that the applicant was arrested by the police on 28.05.2019 and since then he is in judicial custody. The alleged recovery has already been effected. Since the arrest of the accused no CFSL report has yet been procured by the prosecution. The applicant undertakes to surrender before this court if the report of chemical examiner falls under the provisions of commercial quantity and in the last prayed for grant of interim bail to the applicant.

4. On the other hand the learned Addl. PP for the State has argued that in view of the serious nature of allegations, the applicant is not entitled to be released on bail.

5. I have heard the learned counsel for the applicant, learned Addl. PP for the State and gone through the record. As per allegations 600 tablets marka Alprasaft 0.5 salt Alprazolam, 60 grams Ganja, is stated to have been recovered from the applicant. Applicant is in custody for the last one month. In **Inderjeet Singh Vs. State**

of Punjab 2014 RCR (Crl.) 953 it has been held that according to Section 21 of the Act, wherever the need is felt and where the matter is being unnecessarily delayed, the Presiding Officer of a Special Court dealing with NDPS cases, may grant interim bail till the receipt of the FSL report. Coming to the facts here report of chemical examiner has not been received so far.

6. Keeping in view the above discussion, the applicant is ordered to be released on interim bail, on his furnishing bail bonds with one surety amounting to Rs.50,000/- to the satisfaction of this court/Duty Judge. However after receipt of chemical examiner's report, if it is found that as per allegations, commercial quantity of contraband was recovered from the conscious possession of the applicant, the applicant shall surrender in the court immediately and interim relief shall be deemed to have been declined. The application is disposed of accordingly. Papers be attached with the remand papers.

Pronounced in open court
Dated : 28.06.2019
(Anil Kumar JW)

(RK Khullar)
Judge Special Court,
Hoshiarpur.
(UID No.PB-0215)