

IN THE COURT OF DR. AJIT ATRI, UID NO. PB0440,
JUDGE, SPECIAL COURT, HOSHIARPUR.

Case Details	
Case Type	BA
Case Reg. No.	BA/1439/2024
Case Code No.	PBHO010046672024
Filing No.	BA/3504/2024
Date of Decision	16-05-2024

Sapandeep Singh aged 37 years S/o Joga Singh, R/o Village Saila Khurd, Near
Kuantum Paper Factory Road, PS Mahilpur, District Hoshiarpur.

.....Applicant

Versus

State of Punjab

... ..Respondent

FIR No.185 dated 20-08-2023
Under Sections 22/29/61/85 of NDPS Act,
P.S. Mahilpur, Hoshiarpur.

First bail application for grant of regular bail under Section 439 Cr.P.C.

Argued by - Ms. Manisha Sharma, Adv, for the applicant.
Mr. Charanjit Singh, Additional P.P. for the State.

ORDER

1. This order of mine shall dispose of bail application under Section 439 Cr.P.C for grant of regular bail to the applicant.
2. Notice in the bail application was issued and the ld. Addl.PP has placed on the file report received from the FSL. Report of the Ahlmad has also been received and is attached with the file.
3. It has been argued by the ld. Counsel for applicant that the

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applicant has been nominated as an accused on the basis of disclosure statement of co-accused with the aid of Section 29 of the NDPS Act. He is in custody since 11.04.2024. The report of the FSL has already been received and the alleged recovery from the co-accused also shall be non commercial in nature. There is nothing on record to connect the applicant with the co-accused. The disclosure statement of the co-accused is not admissible against the applicant.

4. On the other hand, ld.Addl. PP for State has submitted that the co-accused has specifically disclosed about the applicant and he was nominated in the FIR vide DDR dated 21.08.2023. The offence U/s 29 of the Act has already been added in the FIR. It is also submitted that the report of FSL has been received and as per the report of FSL, the contents of the sample were found to be Alprazolam. The weight of the alleged recovery from the co-accused shall be 39.9 gram. However, it shall be non commercial in nature.

5. I have heard the ld. counsel for the applicant, ld. Addl. PP for the State and have gone through the file.

6. The case of the prosecution is that the co-accused Jaspreet Singh was found in possession of 22 strips of Alprazolam tablets containing 15 tablets each by the police party headed by ASI Gurnek Singh while they were on checking and patrolling duty. The co-accused Jaspreet Singh made a disclosure statement and the applicant was nominated as an accused in the case and Section 29 of the Act was added vide DDR dated 21.08.2023. It is not in dispute that no recovery from the applicant has been effected and he has been made accused with the aid of Section 29 of the Act. The report of the FSL has

also been received and the weight of the tablets has been recorded as 121 Mg. Per tablet. The total recovery from the co-accused is also 330 tablets of Alprazolam. The total weight of the alleged recovery in this way is 39.9 gram. It shall be non commercial in nature. The applicant is in custody since 11.04.2024. It will take some time for the challan to be filed and the trial to start and complete. No useful purpose will be served by keeping the applicant behind the bars for indefinite period.

7. In view of the above discussion, bail application is allowed and the applicant is ordered to be released on bail on his furnishing bail bonds in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of this court. The applicant shall not leave the country without prior permission of the court. Copy of this order be also placed on the remand papers and the file of bail application be consigned to the record room after due compliance.

Pronounced in open court
16-05-2024

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Judge, Special Court,
Hoshiarpur.

Rakaesh Kumar, Steno

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Dated : 16-05-2024

CIS No. BA/1439/2024

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Argued by - Ms. Manisha Sharma, Adv, for the applicant.
Mr. Charanjit Singh, Additional P.P. for the State.

Ld. Addl.PP has placed on the file report received from the FSL. Report of the Ahlmad perused. Arguments heard. Vide separate detailed order of even date, the bail application of the applicant has been allowed. Copy of this order be also placed on the remand papers and the file of bail application be consigned to the record room after due compliance.

Pronounced in open court
16-05-2024

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Judge, Special Court,
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Rakesh Kumar, Steno

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