

**IN THE COURT OF RAVI INDER SINGH
JUDGE, SPECIAL COURT,
MANSA.**

CIS No.BA/145/2024
CNR No. PBMN01000381/2024
Decided on: 01.02.2024

State

Versus

Gursewak Singh alias Sewak, aged about 35 years, son of Charanjeet Singh son of Guljar Singh, resident of village Gurusar Jaga, Tehsil Talwandi Sabo, District Bathinda.

--Applicant/accused

FIR No.233 dated 21.12.2023
under Sections 15 (b) and 25 of the NDPS Act,
Police Station Boha.

First bail application under Section 439 Cr. P.C.

Present; Shri Gurpiar Singh, Advocate, Chief, LADC, Mansa, for
applicant-accused.
Shri Jasvir Singh, Addl. PP for the State-respondent.

ORDER.

GROUND'S MENTIONED IN THE APPLICATION:

The instant application for grant of regular bail has been moved on behalf of accused/applicant Gursewak Singh alias Sewak mainly on the grounds of false implication; the conclusion of the trial likely to take time and applicant being in custody since 21.12.2023.

NATURE OF OFFENCES IN FIR:

2. Present FIR under Section 15 (b) of the NDPS Act was registered against accused Gursewak Singh and Bugani Kumar at Police Station Boha for the alleged recovery of 10 Kgs of poppy husk from the possession of the accused.

ANTECEDENTS OF THE APPLICANT-ACCUSED

3. As per statement of SI Gurtej Singh No.190/Mansa, except the present case, three other FIRs i.e. FIR No.32 dated 23.05.2015, under Section 15 NDPS Act, P.S. Jhunir; FIR No.210 dated 12.08.2020, u/s 21 NDPS Act, P.S. Sardulgarh and FIR No.152 dated 24.08.2022, u/s 304, 34 IPC, P.S. Talwandi Sabo were also registered against the applicant/accused.

ARGUMENTS ON BEHALF OF APPLICANT:

4. Learned counsel for applicant while reiterating the grounds mentioned in the bail application has further submitted that the accused/applicant is in custody since 21.12.2023 and the alleged recovery does not fall in commercial category. On these grounds, learned counsel for accused has prayed for allowing the instant application.

ARGUMENTS ON BEHALF OF STATE:

5. Contesting these submissions, learned Addl. P.P. has argued that keeping in view the nature and gravity of the offence, the present application may be dismissed.

OPINION:

6. Heard. Record perused. This Court is inclined to grant concession of bail to the applicant-accused for the following reasons:-

- (i) The alleged recovery is of 10 Kgs of poppy husk which falls under the non-commercial (intermediate quantity);
- (ii) The accused/applicant is behind bars since 21.12.2023;
- (iii) The presentation of challan, conclusion of the trial is likely to take time and allegations are yet to be proved;

Therefore, without commenting upon the merits of the main case, applicant/accused 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 subject to the conditions as enumerated under the provisions of Cr.P.C, before the Court of learned Illaqa/Duty Magistrate.

7. In case, the applicant does not furnish bail bonds and surety bonds in compliance of this order within a period of one month from the date of order, Ahlmad is directed to report with regard to the same so that the undersigned may consider as to whether the conditions of bail require modification or relaxation. Ahlmad is also directed to send the soft copy of this order by email to the bail applicant through the Jail Superintendent today itself. Ahlmad is directed to append this bail application with the relevant papers.

Pronounced on: 01.02.2024

(Harjinder Singh)

(Ravi Inder Singh)
Judge, Special Court,
Mansa,
UID No.PB0237.

CNR No.PBMN01000381/2024

BA-145-2024

State Vs. Gursewak Singh alias Sewak,

Present; Shri Gurpiar Singh, Advocate, Chief, LADC, Mansa, for
applicant-accused.
Shri Jasvir Singh, Addl. PP for the State-respondent.

Learned APP has appeared on behalf of the State. Statement of SI
Gurtej Singh No.190/Mansa has been recorded separately regarding antecedents
of accused/applicant. Record has been received and perused. Arguments heard.
Vide my separate detailed order of even date, present bail application under
section 439 Cr. P.C. stands allowed. Police record is returned. Ahlmad is
directed to append this bail application with the relevant papers.

Pronounced on: 01.02.2024

(Harjinder Singh)

(Ravi Inder Singh)
Judge, Special Court,
Mansa,
UID No.PB0237.