

RAJA TALAN ALIAS RAJA VS STATE OF PUNJAB etc.

Present: Sh. Vinay Sharma Advocate for the applicant/
accused(Through VC/ whatsapp)
Sh. Sachin Azad, Addl. PP for the State.

1. Police record produced.
2. Heard on bail application filed under section 439 Cr.pc by applicant/accused Raja Talan @ Raja son of Brahm Singh in FIR No. 61 dated 15.03.2021 under section 22 of NDPS Act PS Phillaur Jalandhar.
3. On 15.03.2021, police apprehended car bearing number UP CB 4423 , being driven by co accused Gajinder Singh @ Gajju. Applicant/accused Raja Talan @ Raja was with him in the said car. On search, 50 strips containing 8 capsules each , total 400 capsules of Proxymed- Spas were recorded from the dash board of the car. Both of them were arrested.
4. Sh. Vinay Sharma Advocate has argued that applicant/accused is innocent. He has been falsely implicated in the case. Alleged recovery of the capsules have been planted upon him. He is in custody since 15.03.2021. He should be granted bail.
5. On the other hand, Ld. APP for the state opposed the bail application and has argued for dismissal of the same.
6. I have considered the respective submissions and have gone through the police record.

7. 400 intoxicant capsules were allegedly recovered from car bearing number UP CB 4423, which was being driven by co accused Gajinder Singh @ Gajju with applicant/accused Raja Talan @ Raja being also in the car. As stated by ld. APP, sample parcel has been sent to FSL Mohali but result has yet not been received. As such, application is allowed and accused is ordered to be released on interim bail till the receipt of report of Chemical Examiner, on his furnishing personal bonds in the sum of Rs.50,000/- with one surety in the like amount .

8. **However, it is made clear that if on receipt of report of Chemical Examiner,/Forensic Science Laboratory, quantity of recovered contraband is found to be of commercial quantity under the Act, the relief of interim bail will come to an end automatically and accused has to surrender in the Court and will be taken into custody, without any further order of cancellation of his interim bail and then, his regular bail application will be decided accordingly.**

9. In case, contraband allegedly recovered from the possession of accused found to be fallen in non commercial quantity, the interim order shall be confirmed automatically and bail bonds and surety bonds furnished by him as per the interim bail order shall be ordered to be treated as bail bonds and surety bonds against the final order. Accordingly, the present bail application is disposed of. File of bail application be attached with the remand papers.

Date of Order: 19.04.2021
*Dimple khosla**

(Khem Karan Goyal)
Addl.District and Sessions Judge-V
UID NO . PB00117

