

**IN THE COURT OF SH. ASHISH KUMAR BANSAL, JUDGE,
SPECIAL COURT, MANSA.**

Case Type : BA (Bail Application)
File No. : 722/27.09.2023
CIS Case No. : BA/1563/2023
CNR No. : PBMN010042762023
Date of Decision : 06.10.2023

State

Versus

Boota Singh aged about 28 years, son of Balwant Singh, resident of village Nahran, Tehsil Sardulgarh, District Mansa. Now in Judicial Custody. Applicant/ accused.

FIR No.114 dated 03.08.2023

U/s 21(b), 25, 27 and 29 of ND&PS Act,

P.S. Sardulgarh, District Mansa.

(APPLICATION FOR BAIL UNDER SECTION 439 CR.PC)

Present: Sh. Jaspreet Rishi, Advocate, for the
applicant/accused.
Sh. P.S. Chahal, Addl.P.P for the State.

ORDER

1. Accused/ applicant Boota Singh has filed the present bail application under section 439 Cr.P.C.

Grounds of bail application

2. Apart from the usual grounds, the applicant seeks regular bail on the ground that applicant/accused has been registered on the basis of false, vague and baseless information. Nothing incriminating has been recovered from his possession. He has been falsely implicated in this case. Applicant/accused is in custody since 03.08.2023.

Presentation of challan, conclusion of trial will take considerable time and no purpose will be served by keeping the applicant behind the bars.

Antecedent of the applicant/accused

3. ASI Makhan Singh No.548/Mansa suffered statement as per record, one other FIR No.184 dated 23.08.2023, u/s 420, 465, 467, 468, 201 IPC, P.S. City-II, Mansa has been registered against the applicant/accused.

Arguments of Id. Counsel for the applicant

4. Ld. Counsel for the applicant argued that alleged recovery has already been effected. The accused is in custody. The quantity allegedly recovered from the accused is non-commercial quantity. No useful purpose will be served by detaining the accused behind bars. Lastly, prayer has been made for release of the accused on regular bail.

Arguments of Id. Addl. PP for the State

5. Ld. Addl. PP for the State argued that on the basis of the nature of recovery effected from the accused, he does not deserve concession of bail and prayed for dismissal of the bail application.

Conclusion

6. Perusal of the file shows that the recovery effected from the applicant/accused Boota Singh and co-accused is 20 grams Heroin alongwith plastic envelope, which is intermediate quantity as per Serial No.56 of the Schedule of the NDPS Act. As the quantity of contraband is intermediate quantity, so the rigors/condition as enshrined under Section

37 of the ND&PS Act do not apply in the present case. Conclusion of trial may take some time. Accordingly, keeping in view the nature of recovery and gravity of offence, present bail application is allowed. Applicant/accused is admitted to regular bail on furnishing bail bond in the sum of Rs.50,000/- with one surety in the like amount.

In case the applicant does not furnish bail bonds and surety bonds in compliance of this court 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 and Secretary, DSLA, Mansa today itself. Police record be returned and the papers of this bail application be tagged with remand papers.

Pronounced

Dated: 06.10.2023

**(Ashish Kumar Bansal),
Judge, Special Court,
Mansa.**

(UID: PB0240)

Avinash Stenographer G-I