

IN THE COURT OF DR RAM KUMAR SINGLA

UID No. PB-0122

JUDGE SPECIAL COURT

KAPURTHALA

CNR No.

PBKP010040172021



Case No. BA/1597/2021

Presented on : 11-08-2021

Registered on : 11-08-2021

Decided on : 17-08-2021

Soma, w/o Giyan Chand, aged about 47 years, r/o Kirpalpur Colony,
Tehsil Phagwara, District Kapurthala.

.... Applicant/accused.

Versus

State of Punjab.

..... Respondent.

FIR No.136 of 28.10.2020,

U/s 22/ 29 of NDPS Act, 1985,

Police Station – Satnampura Phagwara.

Application for bail under Section 439 of Cr.P.C.

Present: Sh.L.M.Chopra, Advocate for the applicant/accused, through
video-conferencing.

Ms.Aarti Mehta, Addl. Public Prosecutor for the State.

O R D E R

Record perused. **Arguments have been heard** on regular
bail of above referred applicant/ accused Soma in the above referred case.

In view of the record of the present FIR, the report of FSL in the present

case is received. There are allegations of recovery of 42 grams of intoxicant substance was effected from the non applicant Jai Pal Sabharwal on 28.10.2020 in the area of Old Octroi, Nakodar Road, Hadiabad, Phagwara, Police Station Satnampura, District Kapurthala. Afterwards, on the basis of disclosure statement of present non applicant Jai Pal Sabharwal, the names of present applicant Soma and co-accused/ non applicant Balvir Kumar @ Ballu were also unearthed in the present case being seller of that intoxicant to the non applicant Jai Pal Sabharwal, so, the addition of section 29 of NDPS Act, 1985 was made vide Rapat No.16 of 29.10.2020. During the investigation proceedings, on 20.07.2021, applicant/ accused Soma was apprehended in the present case and now, she is in custody since then. Report of chemical examiner is received however, challan has not been presented till date. The said allegations are warranting the offence punishable under Section 22 of NDPS Act read with section 29 of NDPS Act, 1985 against her.

2. In such a situation, as referred above, the applicant/ accused was not apprehended at the spot; she was nominated in the present case on the basis of disclosure statement of co-accused person; the alleged recovery has already been effected from the co-accused/ non applicant of 42 grams of intoxicant material containing Alprazolam (as per report of chemical examination appended with police record); sufficient period of her (applicant/ accused Soma) custody has also been passed to the alleged recovery of 42 grams of intoxicant material containing Alprazolam from main accused/ non applicant Jai Pal Sabharwal, which is non-commercial

quantity of that contraband. To these circumstances, the applicant/accused is no more required to be detained for indefinite period in this case.

3. Consequently, the applicant/ accused is hereby admitted on regular bail, subject to furnishing bail bonds in the sum of Rs.50,000/- with one surety bond of like amount with the conditions that applicant-accused will not tamper with the evidence; will attend the court on each and every date of hearing and will not leave India without prior permission of the court till the disposal of the trial. However, any observation made herein shall not be construed to be an expression on merits of the case. Accordingly, the present bail application stands disposed of. Bail application be attached with the file of concerned FIR.

Pronounced in open Court.

Dated:17.08.2021.

Kaushal Kumar

(Directly dictated on computer)

(Dr Ram Kumar Singla)

Judge Special Court,

Kapurthala(UID No. PB-0122).