

**IN THE COURT OF PARMINDER SINGH RAI
ADDITIONAL SESSIONS JUDGE, GURDASPUR**

CIS No. BA/1478/2023
CNR No. PBGD01-003661-2023
Date of Order: 08/05/2023

Bakhshish Singh son of Joginder Singh, resident of Village Ghot Pokhar, Tehsil and District Gurdaspur.

.....Petitioner

Versus

State

.....Respondent.

FIR No. 16 dated 18.01.2023
U/Ss 52-A of Prisons Act and section 18 of NDPS Act,
Police Station:- City, Gurdaspur.

Bail application under Section 438 Cr.P.C.

Present: Sh. J.S. Gill, Advocate, counsel for petitioner.
Sh. Kiran Kumar, Ld. Addl. P.P for the State.

ORDER

Present petition has been filed by petitioner seeking pre-arrest bail under Section 438 of Cr.P.C. for the alleged commission of offences as mentioned above.

2. Upon notice, learned Additional P.P put in appearance on behalf of respondent-State and contested the bail application. Police record was also requisitioned.

3. It is submitted by learned counsel for petitioner that petitioner is innocent and he has been falsely implicated in the present case. Petitioner has not committed any offence. Petitioner is ready to join the investigation and to cooperate in the same, so he

may be admitted to pre-arrest bail.

4. On the other hand, it is submitted by learned Addl. P. P that the custodial interrogation of petitioner is required for further investigation in the present FIR, as such, present bail application may be dismissed.

5. I have considered rival contentions of learned counsel for petitioners as well as of learned Additional Public Prosecutor and also perused the record.

6. As per contents of FIR, which was got registered by the Additional Superintendent, Central Jail, Gurdaspur that Pasco employee Sukhwinder Singh who has been on duty in jail when was searched then from his turban one packet weighing 25 grams Opium was recovered alongwith 5 tablets one other packet which was also there in the brief which was recovered in the presence of Joginder Singh Superintendent and Addl. Superintendent Navinder Singh and when enquired then he told that said articles were meant for Deepak Singh inmate which has been deputed in jail Langar and when inmate Deepak was asked for the same who stated that same was to be delivered to Tejinder Singh s/o Malkiat Singh in Barak No. 9/3. When Tejinder Singh was asked further who told that he had asked Deepak for the said articles and even had asked Sabi Masih in this respect as well. Inmate Tejinder Singh stated further even that said articles were handed over to Pasco employee by Bakshish Singh of

his village. Thereafter, the bags of Pasco employee Sukhwinder Singh applicant was searched and even when his almirah was opened and his kit was searched, 8 packets of Tobacco and one packet of Opium weighing 15 grams and 200 intoxicant tablets were recovered.

7. Allegations against accused-applicant has been that it is he only who supplied the intoxicant to the Pasco employee Sukhwinder Singh from whose immediate possession those were recovered which included 25 grams Oipum and even 200 intoxicant tablets as well. Menace of drugs is eating into the vitals of society. It is a great road block in the progress of growth of the country as it is wiping out the growth of the country itself. Moreover, the availability of the same in the jail which are meant to be reformative centre is also of serious concern. The custodial interrogation thus would be extremely required of the accused applicant even to unearth the whole network of drugs supply and whole modus operandi for not leaving any loose ends and loopholes in the investigation. Hence, present bail application is hereby dismissed. Police record be returned. Record of present bail application be consigned to Record Room.

Pronounced
Dated:08/05/2023
Gurpreet Singh, Stenographer-II

(Parminder Singh Rai)
Addl. Sessions Judge,
Gurdaspur.

Present: Sh. J.S. Gill, Advocate, counsel for petitioner.
Sh. Kiran Kumar, Ld. Addl. P.P for the State.

Police record produced. Arguments heard. Vide my separate detailed order of even date, the bail application of petitioner has been dismissed. Police record be returned. Record of present bail application be consigned to Record Room.

Pronounced
Dated:08/05/2023
Gurpreet Singh, Stenographer-II

(Parminder Singh Rai)
Addl. Sessions Judge,
Gurdaspur.