

Ram Singh Versus State. BA No. 1577 of 2021.
(CNR No.PBHO01-004327-2021).

Present: ‘Application U/s 439 Cr.P. C for Regular Bail’.
Shri RS Abhi Counsel for applicant-accused.
Sh. Puneet Jaggi, Public Prosecutor for the State.

ORDER:

Applicant Ram Singh is seeking bail in FIR No. 127 dated 21.6.2021, under Section 22-61-85 of ND&PS Act Police Station Dasuya, Hoshiarpur.

2. Upon notice, application is opposed by Learned Public Prosecutor for the State on the ground that allegations against accused are serious and he cannot be granted bail because the offence is heinous in nature. So, he has prayed that application be dismissed.

3. Version of prosecution in brief is that on 21.6.2021 ASI Amarjit Singh alongwith ASI Bhupinder Singh, and other police officials were present at Balagan chowk, in connection with checking of suspicious persons and were on patrolling duty. Then they saw one person coming on scootery TVS Zupitor bearing No.PB-07-BF-5474 black coloured was seen coming from Balagan side, who after seeing the police party tried to turn back. Then ASI Amarjit Singh with the help of companions apprehended the accused and asked his identity, and the person disclosed his name as Ram Singh @ Rama S/o Jit Singh R/o Kandi, P.S. Dasuya, Distt. Hoshiarpur. Then ASI said that he has suspicion that accused is having some intoxicant in his possession, he is to be searched and Inspector said accused, that he has legal right to conduct herself searched from some gazetted officer or magistrate and gave notice u/s 50 of NDPS Act. After complying with the provisions of law, the search of the accused was conducted and from the possession of accused polythene envelope black coloured was recovered and checked from which ‘intoxicant tablets’ were recovered, which in total came to 80 tablets. Other formalities were also completed and accordingly case was registered against the accused under Section 22-61-85 of ND&PS Act and accused was arrested.

4. Learned Counsel for applicant-accused has argued that applicant is innocent and has been falsely implicated. Mandatory provisions of law have not been complied with. As per prosecution there is no previous case history. The applicant-accused is in custody since 21.6.2021. However, the sample has been sent to the Chemical Examiner but the chemical examiner report has not been received as yet. In the absence of report of chemical examiner, it cannot be ascertained as to whether the recovery of contraband effected from the accused falls under commercial quantity or below quantity as per schedule attached to ND&PS Act. The presentation of challan and receipt of chemical examiner report may take time. No useful purpose will be served by keeping the applicant-accused in custody, rather it will be burden on the State Exchequer. Without commenting on the merits of the case, the applicant-accused Ram Singh is ordered to be released on interim bail subject to his furnishing personal bail bonds in the sum of Rs.50,000/- with one surety in the like amount before Trial/Duty Judge, subject to the conditions that he will appear in the court on each and every date of hearing, will not tamper with the prosecution evidence and will not leave India without prior permission of this court. Bail application stands disposed of accordingly. The SHO concerned is directed to forward the Chemical Examiner report to the court immediately on receipt of the same and accused shall surrender before the court within one week of the receipt of chemical examiner report for further proceedings, as per law. Papers be attached with remand papers.

Announced in open Court:
Dated: 12 July, 2021.
(Gautam Steno-I)

(Jatinder Pal Singh Khurmi),
Judge, Special Court, Hoshiarpur.
(UID No.PBO-0057).

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Police record received. An application for correction in head note filed. Heard. As police station in the bail application has been inadvertently recorded as Tanda, the same is ordered to be rectified and be read as Dasuya. Correction done. Heard on merits. Vide my separate detailed order bail application has been allowed as detailed therein. Papers be attached with remand papers. Police record be returned.

Announced in open Court:
Dated: 12 July, 2021.
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Judge, Special Court, Hoshiarpur.
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