

**IN THE COURT OF MRS.PREETI SAHNI,
JUDGE, SPECIAL COURT, MANSA
(UID NO.PB0078)**

Bail application No.410

Date of institution: 04.10.2023

CIS No.BA/1604/2023

CNR No.PBMN010043662023

Date of order: 26.10.2023

State

Versus

Premo Bai alias Prema Bai, aged about 42 years, wife of Hamesh Singh,
resident of Sindhi Camp, District Raisen (Madhya Pradesh) now
confined at District Jail, Mansa.

--- Applicant-accused

Bail application under Section 439 of the Cr.P.C.

FIR No.132 dated 10.09.2023

under Sections 15(B)/61/85 of NDPS Act.

Police Station, Jhunir, District Mansa.

Present: Shri Lakhvir Singh Sran, Advocate, counsel for applicant-
accused.

Shri Harvinder Singh, Public Prosecutor for the State.

ORDER

Accused-applicant has moved the bail application under
Section 439 Cr.P.C. seeking grant of regular bail.

2. It is alleged that the applicant-accused is innocent and has been falsely implicated in the present case; she is in custody since 10.09.2023; she has not committed any offence; nothing is to be recovered from the possession of applicant-accused; she is no more required for further investigation and recovery purpose and no useful purpose would be served to keep the applicant behind the bars. She thus prays for grant of bail.

3. Notice of the bail application was given to the State. Learned Public Prosecutor appeared on behalf of the State and opposed the bail application.

4. Heard. Police record received. Perusal of police record reveals that applicant-accused was found in possession of 5 Kgs of poppy pods without any permit or license on 10.09.2023 in the area of Police Station, Jhunir and since then she is in custody. The report of chemical examiner has not been received so far. The learned counsel placed reliance upon **Criminal Misc. No.1140 of 2012 decided on 30.01.2014 titled as "Inderjit Singh @ Ladi vs State of Punjab"**, wherein, it has held that "in case there is delay in the report of chemical examiner, this would entitle the offender of at least interim bail till the report is finally received".

5. So keeping in view the above said recovery from the possession of accused, this court is of the view that accused is entitled to get interim bail till report of chemical examiner is finally received as per ratio of the above said judgment. Accordingly, the applicant-accused is

ordered to be released on interim bail till receiving of chemical examiner report subject to furnishing of bail bonds in the sum of Rs.50,000/- with one surety in the like amount each subject to the following conditions:-

- i. The applicant-accused will neither leave the country without prior permission of the court.
- ii. The applicant-accused will not tamper with the prosecution evidence.
- iii. In case after the receipt of report of chemical examiner, the alleged contraband recovered from the possession of applicant-accused is found to be commercial, in that event, this order of releasing applicant-accused on interim bail shall stand automatically vacated and in that event, applicant-accused would surrender in the court.

6. With the above observations, present bail application under Section 439 Cr.P.C. stands disposed of. Bail application file be tagged with the pending remand papers.

Announced:
26.10.2023

(Preeti Sahni)
Judge, Special Court, Mansa
(UID No.PB0078)

CNR No.PBMN0100043662023

BA/1604/2023

State Vs. Premo Bai alias Prema Bai

Present: Shri Lakhvir Singh Sran, Advocate, counsel for applicant-accused.
Shri Harvinder Singh, Public Prosecutor for the State.

Arguments heard. Vide separate detailed order of today, this bail application stands disposed of. Bail application file be tagged with the pending remand papers.

Announced:
26.10.2023

(Preeti Sahni)
Judge, Special Court, Mansa
(UID No.PB0078)

Sukhwinder Singh Stenographer G-II