

IN THE COURT OF GIRISH, JUDGE SPECIAL COURT,
SANGRUR.
UID NO. PB-00180.

CNR No. PBSG01-004484-2023.

BA. No. 1606 of 12.05.2023.

Date of Order: 19.05.2023.

Mohd. Imran @ Rihan aged 30 years son of Mohd. Rafiq, resident of Mohalla Rao Wala Khuh Saroud Road, Malerkotla, District Malerkotla (now confined in Sub Jail, Malerkotla).

.....Applicant / Accused.

Versus

State.

FIR No.55 dated 18.04.2023.

U/s 21 / 29 / 61 / 85 NDPS Act.

P.S : City I Malerkotla.

First application under Section 439 Cr.P.C for grant of regular bail.

Present: Sh. Mohd. Izhar, Advocate, Counsel for applicant.

ASI Rajinder Singh, the Investigating Officer along-with record.

ORDER :-

1. This order of mine shall dispose off a bail application under

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Section 439 Cr.P.C for grant of regular bail, filed by the applicant, in the above noted FIR.

2. Notice of bail application has been given to State and in pursuance thereof, ASI Rajinder Singh, the investigating officer, appeared today and contested the bail application. The police record produced and perused.

3. I have heard the learned counsel for applicant, the investigating officer and gone through the file with their kind assistance.

4. It is observed that FIR has been lodged against Mohd. Imran and Mohd. Rizwan on the allegations that on 18.04.2023 when the Investigating Officer along-with police party, in connection with routine patrol and checking of miscreants and suspected vehicles was present near Saroud Octroi, Malerkotla, where at about 7:00 P.M, he received secret information that Mohd. Imran @ Rihan and Mohd. Rizwan @ Kaka are habitual of selling 'chitta' / heroin by bringing the same from outside and even on that day, they will proceed towards village Saraud on their motor-cycle bearing no.PB-13AB-3715 make Discover for selling it and if, barricade is conducted, they could be intercepted with cache of recovery. Ruqa was sent and FIR was registered. Raid was conducted and accused were intercepted while coming on motor-cycle, above mentioned. On checking, 15 gms of 'chitta' / heroin was recovered from a transparent

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‘lifafa’ thrown by the co-accused, which was taken into possession.

5. Learned counsel for applicant has submitted that applicant has been falsely implicated in present case and nothing is to be recovered from him. He submitted that the recovery has already been effected. He submitted that the applicant is in custody since 18.04.2023. He submitted that the presentation of challan and conclusion of trial will take sufficient time and no useful purpose would be served by keeping him behind the bars. Therefore, prayer has been made to grant regular bail.

6. On the other hand, ASI Rajinder Singh, the investigating officer has argued that recovery of 15 gms of ‘chitta’ / heroin has been recovered in the present case. He submitted that the applicant is in custody since 18.04.2023 and presentation of challan and conclusion of trial will take time. Therefore, prayed to dismiss the bail application.

7. After perusal of record, it reveals that although, recovery of 15 gms of ‘chitta’ / heroin was effected from a transparent ‘lifafa’ thrown by the co-accused Mohd. Rizwan, who was the pillion-rider. However, the applicant is in custody since 18.04.2023 and the contraband recovered in the present case falls within the purview of non-commercial quantity. The presentation of challan and, thereafter, conclusion of trial is going to take time. Therefore, no useful purpose will be served by keeping the applicant behind the

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bars. Keeping in view all the antecedents of FIR case, I deem this case fit, where the applicant is entitled to regular bail. Accordingly, present bail application stands allowed. The applicant is admitted to bail on furnishing bail bonds in the sum of Rs. 50,000/- with one surety in the like amount to the satisfaction of learned Illaqa / Duty Magistrate subject to the following conditions:

- i). That the applicant /applicants will make available in the investigation of the case, as and when required:
- ii). That the applicant /applicants will not temper with the prosecution evidence and
- iii). That the applicant / applicants will not leave the country without prior permission of the court.

The observation made by the under-signed in the order, will have no bearing on the merits of the case.

In view of the order passed by Hon'ble Supreme Court bearing no. **SMWP (Criminal) No.4/2021** titled as **In Re Policy Strategy for grant of bail versus Mr. Gaurav Aggarwal, Advocate is Amicus Curiae** conveyed vide endorsement no.2619/EB dated 18.03.2023 by the learned District and Sessions Judge, Ahlmad is directed to send the copy of same to the under trial prisoners through Superintendent Jail.

Police record be returned. The bail application be

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consigned to record room.

Pronounced in open court.
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Veena Saluja,
Stenographer Gr.I.

(Directly Dictated).

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