

**IN THE COURT OF SH. JASPAL VERMA,
JUDGE, SPECIAL COURT,
(UID No. PB0136)
MANSA.**

Bail Application No. 734 of 13.12.2018
CIS No. BA/1636/2018
CNR No. PBMN010040502018
Date of Order: 19.12.2018

State of Punjab

Versus

Dial Chand alias Dyali aged 52 years son of Ram Ditta resident of House no.163, Bahadarpur Gate, Hoshiarpur, District Hoshiarpur; Now confined at Central Jail, Faridkot.

.....Applicant-accused.

FIR No.01 of 10.01.2018,
U/S 21-61-85 NDPS Act,
PS Sadar Mansa, District Mansa.

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

Present: Sh.Amandeep Kansal, Advocate for applicant-accused.
Sh.B.S.Deol, Addl.PP for the respondent-State.

BAIL ORDER

1. This order of mine shall dispose of regular bail application moved by the applicant-accused Dial Chand alias Dyali in this case bearing FIR No.01 of 10.01.2018 under Section 21-61-85 NDPS Act, Police Station BA-1636-2018 State Vs. Dial Chand alias Dyali

Sadar Mansa, District Mansa, wherein it is submitted that the accused has nothing to do with the said offence. He is innocent and has been falsely implicated in this case. He has not committed any offence and the allegations raised by the prosecution are false and concocted one. He was arrested on 10.01.2018 and since then he is in judicial custody and is no more required for further investigation. The trial of the case is likely to take sometime. So, he be released on bail.

2. Notice of the bail application was given to the State and police record was called which is produced from Police Station Sadar Mansa, District Mansa by SI Karnail Singh. No reply to the bail application was filed. However, learned Addl.PP for the State orally contested the bail application.

3. I have heard learned counsel for the applicant-accused, learned Addl. PP for the State and perused the police file brought from Police Station Sadar Mansa District Mansa by SI Karnail Singh very carefully.

4. As per the FIR, the accused was found in possession of 20 gms of Cannabis (Sulfa) containing the salt 'tetrahydrocannabinol' from his conscious possession. The accused-applicant could not show any license or permit for keeping the same in his possession. The accused-applicant is in custody since 10.1.2018. Report of Regional Testing FSL, Bathinda has been received in the present case. As per the FSL report, "tetrahydrocannabinol and other cannabinoids, cystolithic hair " was the salt in the same. The salt "tetrahydrocannabinol and other cannabinoids, cystolithic hair" is mentioned at serial No. 23 of the schedule attached with the Act and the recovery of more than 01-Kg is commercial in nature. So, the recovered quantity of

above said intoxicated substance from the possession of present accused falls in non commercial quantity rather it is small quantity. The applicant-accused is not required for further investigation of the case. The trial of the case is likely to take sometime. So, in these circumstances, no useful purpose would be served by detaining the accused behind the bars and rather it would be a burden upon the State exchequer. Therefore, the applicant-accused is ordered to be released on bail in this case on his furnishing personal bond in the sum of Rs. One Lac with one surety in the like amount to the satisfaction of this court, with the conditions that:-

1. He shall appear in the court on each and every date of hearing.
2. He will not leave India without prior permission of the court.
3. He shall not tamper with the evidence of prosecution.

The bail application is allowed accordingly. Police record be returned. File be attached with the main case

Pronounced/18.12.2018

(Jaspal Verma),
Judge, Special Court,
(UID No. PB0136)
Mansa.

Raj Kumar/SG-1

State Vs. Dial Chand alias Dyali

Present: Sh.Amandeep Kansal, Advocate for applicant-accused.
Sh.B.S.Deol, Addl.PP for the respondent-State.

Arguments heard. Vide my separate detailed order of even date, the present bail application is hereby allowed. Police record be returned. File be attached with the main case

Pronounced/18.12.2018

(Jaspal Verma),
Judge, Special Court,
(UID No. PB0136)
Mansa.

Raj Kumar/SG-1