

IN THE COURT OF SH.NAVAL KUMAR,
JUDGE SPECIAL COURT-I, FEROZEPUR
(Unique Identification Number PB-00103)

Case Type	Bail application
CIS No.	BA/1636/2024
CNR No.	PBFZ0100-4318-2024
Date of Order	29-07-2024.

Gurpreet Singh @ Ravi aged about 27 years son of Tarsem Singh @ Sema, resident of Dhaka Basti Makhu, Tehsil Zira, District Ferozepur.

VersusApplicant/Accused.

State of PunjabRespondent.

FIR No.72 dated 21-6-2024
U/S: 21 of the Narcotic Drugs & Psychotropic Substances Act, 1985,
Police Station: Makhu.

First application for bail under Section 483 of the Bhartiya Nagrik Suraksha Sanhita .

Present: Sh. M S Mal, Advocate, Ld. Counsel for applicant-accused.
Sh. Amit Goklaney, Addl. Public Prosecutor for the State.

ORDER

This order of mine shall dispose of the bail application filed by the applicant-accused under Section 483 of the Bhartiya Nagrik Suraksha Sanhita in case **FIR No.72 dated 21-6-2024 under Section 21 of the Narcotic Drugs & Psychotropic Substances Act, 1985, registered at Makhu.**

2. Notice of the bail application was given to the Ld. Additional Public Prosecutor for the State. Police record has also been requisitioned.

3. I have heard learned counsel for the applicant-accused, learned Public Prosecutor for the State and have gone through the record very carefully.

4. It has been contended by learned counsel for the applicant/accused that the applicant-accused is an innocent and has been falsely implicated in the present case. The alleged recovery has already been effected and nothing is to be recovered from the applicant-accused. The applicant-accused has no concern with the alleged crime. No independent witness has ever been joined by the police though the same was available near the alleged place of recovery. There is no compliance of mandatory provisions of the NDPS Act. The applicant-accused is in judicial custody since 21-6-2024 and is no more required by the police for further investigation. There is no apprehension of the applicant-accused absconding or tampering with the prosecution evidence. A prayer has been made for releasing the applicant-accused on bail.

5. The Ld. Additional Public Prosecutor for the State, on the other hand, has opposed the bail application by submitting that **50 grams of heroin** has been recovered from the applicant-accused. So, he is not entitled to the concession of bail. A prayer has been made to dismiss the bail application filed by the applicant-accused.

6. From the perusal of record, it is revealed that the contraband **i.e 50 grams of heroin** has been recovered from the conscious possession of the applicant-accused. The applicant-accused is in judicial custody since 21-6-2024. Now, nothing is to be recovered from the applicant-

accused. The quantity of alleged contraband **i.e. 50 grams of heroin** recovered from the conscious possession of the applicant-accused falls in the category of non-commercial quantity. The presentation of challan and the conclusion of trial is likely to take time. Therefore, no useful purpose would be served by detaining the accused-applicant behind bars for an indefinite period. Hence, the applicant-accused is ordered to be released on regular bail on furnishing a bail bond in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of Id. Illaqa/Duty Magistrate subject to the following conditions:

- (I) That the applicant shall not leave the country without the prior permission of the Court;
- (II) That the applicant shall make himself available for interrogation by the Investigating Officer as and when required;
- (III) That the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;
- (IV) That the applicant shall regularly attend the hearings before the trial Court.

7. The learned Illaqa/Duty Magistrate is directed to send the bail/surety bonds along with relevant documents after accepting and attesting the same to this court. A copy of this order be sent to learned court of Illaqa/Duty Magistrate forthwith. Ahlmad is also directed to send soft copy of this order by e-mail to the concerned Jail Superintendent for compliance of order dated 31.01.2023 of the Hon'ble Supreme Court

passed in SMWP (Criminal) No.4/2021. The bail application file be annexed with the remand papers/main file/consigned to the Record Room.

Pronounced in open court

sd/-

on 29-7-2024.

(Naval Kumar)
Judge, Special Court-I, Ferozepur
(UID No. PB00103).

*Parmjit Singh,
Stenographer Grade-I
direct dictation*