

IN THE COURT OF MS. ANJANA, JUDGE SPECIAL COURT,
MOGA.

CIS No.BA/1915/2019
CNR No.PBMO01005492-2019
Decided on :- 24.09.2019

State of Punjab Vs. Gobind Singh alias Rajan son of Gurdeep
Singh son of Fanda Singh resident of village
Daulewala, Distt. Moga.
.....Accused/Applicant

FIR No.62 dated 16.08.2019.
U/S 21-61-85 of NDPS Act.
Police Station Mehna.

First Bail Application Under Section 439 Cr.P.C

Present: Sh. Balwinder Singh Gill, Advocate, counsel for
applicant/accused.
Sh. Amandeep Prinja, Additional Public Prosecutor for State

ORDER

1. This order of mine shall dispose of the present bail application filed by above referred applicant under section 439 Cr. P. C. in a case registered against him vide FIR No.62 dated 16.08.2019 U/S 21-61-85 of NDPS Act, P.S.Mehna, District Moga.
2. In pursuance of the notice of the bail application having been issued learned Addl. PP for the State, Sh.Amandeep Prinja has put in appearance. Record has been produced.
3. The learned counsel for the applicant/accused has vehemently contended that the accused/applicant has been falsely implicated in this case. No recovery has been effected from the applicant-accused and same has been planted upon the accused/applicant. He further argued that section 50 of

NDPS Act has not been applied in this case regarding personal search of the accused. The report of chemical examiner will take long time. Accused/applicant is in judicial custody since 16.08.2019. It will take long time to put in the challan in the court and to conclude its trial and no useful purpose would be served by detaining the applicant/accused further behind the bars. The accused/applicant will abide by all the terms and conditions as imposed by this court. Lastly, prayer has been made for acceptance of the bail application.

4. On the other hand, learned Addl. P.P. for the State has opposed the bail application on the ground of gravity of offence and prayer has been made for dismissal of the bail application.

5. After hearing the respective contentions of both the sides and having gone through the record carefully, I have of this considered view that the contentions raised by the learned counsel for the accused/applicant are found to be merits acceptance. As per contents of the FIR, police party headed by ASI Malkit Singh with others were on patrolling and in connection with checking of suspects and when the police party reached near Same Nala a little behind from village Mehna, then a person was seen coming who on seeing the police party, turned towards his right side and sit on the side of Pattri on the pretext of urination and on the basis of suspicion, when IO after getting stop the vehicle move towards the accused for checking then, he suddenly stand up and one transparent polythene was found lying in between his legs from which heroine and currency notes were visible and on weighment the heroine comes out to be 05 grams.

6. From the perusal of record, it shows that accused/applicant was

found in possession of 5 grams of Heroin without any permit or authority. Thus, the recovery from the accused/applicant has already been effected and the accused/applicant is in judicial custody since 16.08.2019. The recovery is non-commercial. The presentation of challan in Court and trial thereof will take sufficient long time. No useful purpose would be served by detaining the accused/ applicant in judicial custody for indefinite period. As such, the present bail application stands allowed and the accused/applicant is ordered to be released on bail, on his furnishing personal bond in the sum of Rs.50,000/- with one surety in the like amount, subject to the conditions that accused/applicant will appear in Court on each and every date of hearing and will not leave the country without prior permission of the Court. Papers be attached with the challan as and when presented.

Pronounced.
24.09.2019
(Pawan Stenographer II)

(Anjana),
Judge, Special Court,
Moga. **(UID No.PB-0448)**

Present: Sh. B.S. Gill, Advocate, counsel for applicant/accused.
Sh. Amandeep Prinja, Additional Public Prosecutor for State

Record received. Arguments heard. Vide my separate order of even date, the present bail application stands allowed. Police record returned. Papers be attached with the challan as and when presented.

Pronounced.
24.09.2019
(Pawan Stenographer II)

(Anjana),
Judge, Special Court,
Moga. (**UID No.PB-0448**)