

**IN THE COURT OF SH. SANDEEP SINGH JOSSAN
(PB0150), JUDGE SPECIAL COURT, HOSHIARPUR.**

**BA No. 2002/2022
CNR No. PBHO010058702022
Decided on: 01.9.2022**

State of Punjab

Vs.

Yakoob aged 26 years, son of Mureed deen, r/o village Pathrala, P.S. Mahilpur, District Hoshiarpur.

FIR No. 112 dated 15.6.2022.
Under Section: 22, 29/61/85 of NDPS Act.
Police Station: Mahilpur, Hoshiarpur.

Bail application U/s 439 Cr.P.C.

Present: Sh.Sandeep Sharma, cl for the applicant.
Addl. PP for the State.

ORDER:

1. This order disposes off bail application of accused described in detail herein above. Accusation leading to the registration of this FIR is that police party was going towards Sakrooli, when they nabbed a person coming on foot on the basis of suspicion. At that time accused was holding a bag in his hand. ASI asked his name, and accused told his name as Hussain, accused/ applicant and he was apprised of his legal right by ASI to be searched as the ASI had apprehension of having some intoxicant in his possession, but accused reposed faith in ASI. As such, from the search of accused from polythene bag carried by him 10 strips Buprenorphine injections, 02 ml were recovered. Each strip contains 5/5 injections, 2 ml total 50 injections and 50 injections of Avil were recovered. As such, present FIR was registered.

During interrogation, accused Hussain disclosed that he purchased the said injections from Yakoob, on which Yakoob was also arrested and 10 injections were recovered from him.

2. It is alleged on behalf of Petitioner that accused/ applicant is innocent and has been falsely implicated in this case and he is in custody. That, he is not named in the FIR, but has been implicated in this case on the basis of confessional statement of co-accused, which is not admissible. That, no recovery has been effected from accused/ applicant. That, accused/ applicant has never been declared proclaimed offender. That, no useful purpose will be served by keeping the accused behind bars and it will take long time to produce the challan.
3. The bail application has been opposed. Ld. APP for the State argued that the offence is a very serious offence not against the State but against the human race, capable of killing not one or two individuals but in mass. Ld.APP further argued that this is immaterial whether the FSL result has come or not because on the face of it the quantity recovered is a huge quantity.
4. I have heard counsel for the applicant/accused and Addl. PP for the State besides going through the record. Perusal of the record shows that in this FIR 10 strips containing 5/5 injections, 2 ml total 50 injections Buprenorphine and 50 injections Avil from accused Hussain and 10 injections from accused/ applicant Yakoob. So keeping in view the material facts of the case, nature of crime, recovery, gravity of offence and the manner in which it is alleged to have been committed, no ground is made out to enlarge the accused/applicant on bail, not even on interim

bail.

5. As a result the application for grant of regular bail moved by the applicant/accused **Yakoob** u/s 439 Cr.P.C. stands dismissed. Papers to be consigned to the record room.

Pronounced. Dated: 01.9.2022	Sandeep Singh Jossan PB0150 Judge, Special Court, Hoshiarpur.
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*Typed by : Mukesh Chander
Stenographer Grade-I.*