

***In the Court of Shri Sumeet Malhotra, Sessions Judge, Faridkot.
(UID No.PB0060)***

***Bail Application No.78 dated 19.02.2021.
CNR No.PBFD01-000650-2021.
CIS No.BA-196-2021.
Date of Order : 25.02.2021.***

State	Versus	1. Rohit Kumar alias Romi aged about 31 years, son of Kewal Krishan, resident of Jaitu Chungi, Kotkapura, now resident of Mai Godri, Katcha Passage of village Veerewala, Faridkot. 2. Vivek Kumar alias Vikku aged about 32 years, son of Nand Kishor, resident of near Om Sweet House, Jaitu Chungi, Kotkapura, Tehsil Kotkapura, District Faridkot.
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....Petitioner-Accused.

Bail application under section 439 Cr.P.C.

F.I.R.No.24 dated 05.02.2021.
Under Section : 21(b)/61/85 of N.D.P.S.Act.
Police Station : Sadar Kotkapura.
-0-0-

Present : Shri Uma Shankar Sharma, Advocate, counsel for accused-petitioners.
Shri Sahib Singh, Addl. Public Prosecutor for the State.

ORDER

1. ***Accused-petitioners Rohit Kumar alias Romi and Vivek Kumar alias Vikku*** have approached this court for grant of regular bail in case FIR No.24 dated 05.02.2021, under Section 21-B of Narcotic Drugs and Psychotropic Substances Act, Police Station, Sadar Kotkapura.
2. At the very out-set learned counsel for the petitioners has stated that the petitioners are innocent and have been falsely implicated in this case. He has argued that the petitioners are in custody since 05.02.2021 and the matter is still under investigation and it will take a

sufficient long time. No useful purpose would be served by keeping the petitioners behind the bars for an indefinite period. However, the recovery of 10.03 grams of Heroin has already been effected from the petitioners. He further argued that the alleged quantity of contraband is non-commercial. He thus prays for the grant of regular bail to the petitioners.

3. Per contra, learned Addl. Public Prosecutor has opposed the bail application on the ground of seriousness of the offence. He argued that the petitioners were apprehended red handed and 10.03 grams Heroin was recovered from their possession. He thus prays for dismissal of the bail application.

4. I have considered the rival contentions made by learned counsel for the petitioners as well as learned Addl. Public Prosecutor for the State and have gone through the record.

5. The accused-petitioners have been arrested in this case on 05.02.2021 and since then, they are in custody. The extent of the recovery, so effected, falls in the category of non-commercial quantity. The matter is still under investigation. The presentation of the challan and conclusion of the trial is likely to take its own time. The petitioners cannot be ordered to be detained in custody for an indefinite period. Thus, keeping in view the totality of circumstances as well as the fact that the matter is still under investigation and the custody period of the petitioners, the present bail application is ***allowed*** and the accused-petitioners are ordered to be released on bail on their furnishing bail bonds, to the satisfaction of Ilqa/Duty Magistrate. A copy of this order be sent to the court of learned ***Ilqa Magistrate*** for compliance. Police record be returned and bail

application file be tagged with the remand papers.

Dated : 25.02.2021.

deepak grover

(Sumeet Malhotra)
Judge, Special Court,
Faridkot.
UID No.PB0060.

State Versus Rohit Kumar and Anr.

Bail Application No.78 dated 19.02.2021.

CNR No.PBFD01-000650-2021.

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Present : Shri Uma Shankar Sharma, Advocate, counsel for accused-petitioners.
Shri Sahib Singh, Addl. Public Prosecutor for the State.

Police record produced. Arguments heard. Vide my separate detailed order of today, bail application has been ***allowed*** and accused-petitioners have been ordered to be released on bail on furnishing bail bonds to the satisfaction of Ilqa/Duty Magistrate. Police record be returned and bail application file be tagged with the remand papers.

Dated : 25.02.2021.

deepak grover

(Sumeet Malhotra)
Judge, Special Court,
Faridkot.
UID No.PB0060.