

**In the Court of Ms. Girish,  
Judge, Special Court, Sangrur.  
UID No. PB0180**

BA/1926/2023  
CNR No. PBSG01005372-2023.  
Date of order: 14.06.2023.

Mandeep Singh aged about 36 years son of Darshan Singh resident of village Maholi Kalan, P.S. Sandaur, District Malerkotla. (Now confined in District Jail, Sangrur.

...Accused/applicant.

Versus

State

FIR No. 26 of 06.04.2023.  
Under Section 22/61/85 NDPS Act.  
Police Station Sandaur.

**Application under Section 439 Cr.P.C.**

Present: Shri Imtiaz Mohd. Adv. counsel for the applicant/ accused.  
Shri R.S.Kauldhar, Additional Public Prosecutor for State.

**ORDER:**

1. This order will dispose off bail application u/s 439 Cr.P.C. moved by above named accused/applicant in above noted FIR.
2. Upon notice, this application was contested by learned Addl. P.P. for State who contested the same.
3. From the record, it comes out to surface that present FIR has been registered against the applicant that on 06.04.2023, Investigating officer alongwith other cops in connection with checking of miscreants and suspected persons, was going from Bishangarh to village Maholi Kalan, where at about

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2:30 PM, one person was seen sitting under the tree near the bridge carrying a transparent 'lifafa' in his hand, who on seeing the police party, became perplexed and threw the lifafa and tried to run towards railway track. On suspicion he was apprehended with the help of police officials. After inquiring his whereabouts and on checking, 280 intoxicant loose tablets were recovered from the conscious possession of accused, which were taken into police possession, vide separate recovery memo. Ruqa was sent for registration of FIR. Upon these allegations, FIR was lodged.

4. I have heard the learned counsel for the applicant, learned Additional Public Prosecutor for the State and have also gone through the record as well.

5. Learned counsel for applicant has submitted that applicant is innocent and has been falsely implicated in present case. He submitted that the presentation of challan and conclusion of trial will take sufficient time and no useful purpose would be served by keeping him behind the bars. The report of chemical examiner has not been received. Therefore, prayer has been made to grant regular bail.

6. On the other hand, learned Additional Public Prosecutor for state has submitted that recovery of 280 intoxicant loose tablets have been recovered from accused. He submitted that challan in the present case has not been presented and report of chemical examiner has not been received. Therefore, prayed to dismiss the bail application.

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7. After hearing the arguments, it is observed that recovery of 280 intoxicant loose tablets were effected from transparent 'lifafa' thrown by the applicant. However, the report of Chemical Examiner has not been received so far and the applicant is in custody since 06.04.2023. As long as report of Chemical Examiner, is not received, till then, having no magic wand in the hands of Court, to decipher the exact quantity of contraband. Division Bench of Hon'ble Punjab & Haryana High Court in **Criminal Misc. No. 1140 of 2012 decided on 30.01.2014 titled as "Inderjit Singh @ Ladi Vs. State of Punjab"** has held that "as there is delay, this would entitle the offender of at least interim bail till the report is finally received". So keeping in view the above said recovery from the possession of applicant, I am of the view that applicant is entitled to get interim bail till the report of Chemical Examiner is finally received as per ratio of above said judgment. Accordingly, applicant is ordered to be released on interim bail till the receipt of Chemical Examiner report subject to furnishing of bail bonds in the sum of Rs. 50,000/- with one surety in the like amount to the satisfaction of learned Illaqa / Duty Magistrate, subject to condition that applicant will neither leave country without prior permission of the Court nor applicant will tamper with the witnesses of prosecution. However, it is made clear that the concession of interim bail granted to applicant shall stands cancelled automatically and the bail bonds as well as surety bonds furnished on his behalf shall be forfeited, if on the basis of report of Chemical Examiner, the contraband allegedly recovered from the possession of

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the applicant is found to be fallen with-in the purview of commercial quantity. In case, contraband allegedly recovered from possession of applicant found to be fallen in non commercial quantity, the interim order shall be confirmed automatically and bail bonds and surety bonds furnished, as per this order, shall be ordered to be treated as bail bonds and surety bonds against final order. The applicant is further directed to surrender in the Court, in case, the contraband allegedly recovered from possession of applicant, falls in commercial quantity on receipt of report of the Chemical Examiner. The present bail application stands allowed as interim.

8. The observation made by the under-signed vide this order, shall have no bearing on the merits of case.

Police record be returned. The bail application be consigned to record room.

Pronounced in open Court.

Dated: 14.06.2023  
Shama  
Dictated directly on computer.

(Girish),  
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