

*In the Court of Ms. Rajni Chhokra,
Judge Special Court,
Ferozepur *
(UID No. PB-0168)



Bail Application No. 373 of 06.09.2019
CIS No. BA-1925 of 2019
CNR No.PBFZO100-4977-2019
Date of Order : 03.10.2019

Mehar Singh son of Gurcharan Singh, resident of Ward No.2, Kasuri
Gate, Ferozepur City.

... Applicant.

Versus

State of Punjab.

.... Respondent.

FIR No.81 dated 05.09.2019

Under Section 22, 61, 85 of Narcotic Drugs
and Psychotropic Substances Act,1985

Police Station Ghall Khurd.

Present: Sh. A.S.Randhawa, counsel for applicant.
Sh. Balwinder Singh, Additional PP for the State.

ORDER

Applicant-Mehar has filed present bail application through his counsel for releasing him on regular/interim in the case referred above.

2. Applicant has averred in the application that applicant has been falsely implicated in the present case. Applicant is in judicial custody and no more required for further investigation. Report of chemical examiner has not been received till today. It was prayed that interim bail till receipt of report of chemical examiner may kindly be granted.

3. Upon notice Sh. Balwinder Singh, Additional PP has appeared on behalf of the state-respondent and vehemently contested the bail application. Police record produced and perused.

4. The learned counsel for the applicant has argued as per the lines as mentioned in the application and further contended that recovery has already been effected. Now nothing is to be recovered from the applicant. Report of chemical examiner has not been received till today. It was prayed that application be allowed and applicant be released on interim bail till receipt of report of chemical examiner

5. On other hand, learned Additional PP contended that applicant was found in conscious possession of intoxicant tablets without any valid license of permit. Serious allegations have been leveled against the applicant. Applicant is not entitled to concession of bail. It was prayed that the present bail application be dismissed.

6. This court has heard counsel for applicant and learned Additional PP for the State and gone through the record on file.

7. Perusal of record it has been revealed that on 05.09.2019 when police party headed by ASI Malkit Singh was present near Shaheedganj Gurudawara Sahib, Mudki, for patrolling purposes and checking suspected persons, then Investigating Officer received secret information that Mehar Singh son of Gurcharan Singh, resident of Ward No.2, Kasuri Gate, Ferozepur City is habitual of selling intoxicant tablets . If raid is conducted intoxicant tablets can be recovered from him. Raid was conducted and 600 intoxicant tablets were recovered form the applicant.

8. In the present case neither the challan has been presented nor the report of Chemical Examiner has been received qua that recovery. HC Navjot Singh appeared and suffered statement that in the present case

report of chemical examiner has not been received. In this case applicant is in judicial custody since 05.09.2019.

9. In such a situation, it has been relied upon in case law 2014 (3) RCR (Criminal) 953 titled as Inderjeet Singh @ Laddi Versus State of Punjab, that for such a long delay to receipt the report of Chemical Analysis the applicant is at least entitled to interim bail till that report is finally received. Consequently, the applicant is, hereby, admitted on **interim bail** subject to result of report of Chemical Analysis and subject to furnishing bail bonds in the sum of Rs.75,000/- with one surety bond of like amount with the conditions that applicant will not tamper with the evidence; will attend the court on each and every date of hearing and will not leave India without prior permission of the court till the disposal of the trial. This is conditional order of interim bail, subject to the result of report of Chemical Analysis. In case after receipt of chemical examiner, it transpires that the accused is guilty of retaining the contraband of commercial quantity, thus the present interim bail granted to the applicant shall automatically stands canceled.

Dated: 03.10.2019

Rama Nand Stenographer Grade- I

(Rajni Chhokra)

Judge, Special Court

Ferozepur. UID No.PB-0168