

**In the Court of Dr. Gopal Arora, Judge, Special Court,
Hoshiarpur. (UID No.PB-0194).**

B.A. CIS No. 1991 of 2021
CNR No.PBHO01-005320-2021
Date of Order: 19.8.2021

Narinder Singh aged 40 years son of Rajinder Singh R/o village Bhungarni,
Mehtiana, Distt. Hoshiarpur.

.....Applicant-accused.

Versus

State of Punjab.

.....Respondent.

FIR No. 115 dated 23.7.2021
U/s 22 of ND&PS Act.
P.S: Mehtiana Distt. Hoshiarpur.

‘First application for regular bail U/s 439 CrPC’

Present: Mrs Ritu Sharma advocate for applicant-accused.
Shri Gurpreet Singh, Additional PP for the State.

ORDER:

This order of mine shall dispose of an application filed by applicant/accused for grant of regular/interim bail in FIR No. 115 dated 23.7.2021, under Section 22 of The Narcotic Drugs and Psychotropic Substances Act, 1985 (in short ‘ND&PS Act’), pertaining to Police Station Mehtiana District Hoshiarpur.

2. The learned counsel for the applicant-accused submits that accused was allegedly found in conscious possession of 70 grams of intoxicant powder and he is in custody since 23.7.2021. He further submits that the report of chemical examiner is not being submitted and the accused is languishing in the jail. The prosecution will take time to present the challan in the court. He argued that nothing is to be recovered from the accused at this stage. So, it is prayed that applicant-accused be released on bail.

3. On the other hand the learned Addl. PP for the State has opposed the bail application on the ground that the recovery of narcotic is serious offence. As such there are chances that accused may flee from the justice in

case he is granted interim bail.

4. I have heard the arguments advanced by Learned Counsel for the applicant-accused as well as learned Additional PP for the State and also perused the police record.

5. In the present case recovery of 70 grams intoxicant powder alleged to have been effected from the accused on 23.7.2021. The accused is in judicial custody since 23.7.2021 and nothing is to be recovered from the accused at this stage. The contention of the Ld. Counsel for the accused that accused is entitled for interim bail as per the averments of the bail application on the basis of judgment *“Inderjeet Singh @ Laddi and other Vs. State of Punjab” reported in 2014 (3) Recent Criminal Reports 953* is deserves to be appreciated. The chemical examiner report of intoxicant material is yet to be received. Therefore, keeping in view the facts and circumstances the accused is released on *interim bail* on his furnishing bail bonds in the sum of ₹ 50,000/- with one surety of the like amount, to the satisfaction of this court, till report of Chemical Examiner is received. On the receipt of report of chemical examiner the accused/applicant will surrender in the court immediately and this interim relief shall be deemed to have been declined. Further the accused is directed not to indulge in such like activities and shall not leave India without prior permission of the court till the disposal of the trial. However, he will be at liberty to file fresh bail application, which shall be considered afresh on merits. Application is disposed of accordingly. Papers be attached with remand papers.

Announced in open Court:

Dated: 19.8.2021.

Kulvinder Singh JW
(Direct dictation)

(Dr. Gopal Arora),
Judge, Special Court
Hoshiarpur
(UID No.PB-0194).

Narinder Singh Vs State

Present: Mrs. Ritu Sharma advocate for applicant-accused.
Shri Gurpreet Singh, Additional PP for the State.

Arguments heard. Vide my separate detailed order of even date,
the accused is released on ***interim bail***, till report of Chemical Examiner is
received. Papers be attached with remand papers.

Announced in open Court:
Dated: 19.08.2021.

Kulvinder Singh JW

(Dr. Gopal Arora),
Judge, Special Court
Hoshiarpur
(UID No.PB-0194).