

BA No. 1 of 3.01.2020
CIS No. 3 of 2020
CNR No:PBFG010000032020
Decided on:- 4.01.2020

FIR No. 100 dated 28.11.2019
U/s 18/61/85 NDPS Act
PS: Mulepur.

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

Om Parkash, aged about 24 years, son of Kala Ram, resident of village Matoli, Patran, Tehsil and District Patiala. Now confined in New Jail, Nabha.

.....Applicant/Accused.

Versus

State of Punjab through SHO PS Mulepur, District Fatehgarh Sahib.

Present: Shri Amandeep Bawa, Advocate for the applicant-accused.
Shri Kesar Singh, Addl. PP for the State.

1. Argument on first bail application u/s 439 Cr.P.C filed by applicant Om Parkash son of Kala Ram, have been heard. As per allegations of prosecution story the accused-applicant was apprehended on 28.11.2019 under the jurisdiction of PS Mulepur, District Fatehgarh Sahib with the allegations that he was allegedly found in possession of 250 Grams Opium, without any legal permit or license, which falls in intermediatory range of the quantity as per the schedule provided under the NDPS Act. I.O has come present and he has stated that challan in this case has not been presented by the police so far, because report of the FSL has not been received so far. It is also likelihood that it may take time to receive the FSL report in near future. It is a fact that the accused-applicant is no more required for any custodial investigation. Presentation of challan, commencement and conclusion of trial may take time. No useful purpose would be served by keeping the accused-applicant in

Ranjeev Kumar Vishisht, UID PB0179,
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judicial custody anymore. Bail is the rule of law and not jail. Keeping in view the right of liberty of the above named applicant, in these circumstances, when there is no likelihood of the applicant-accused that he will abscond, it is a fit case where the applicant should be granted the concession of bail. Hence, without commenting anymore on the merits of the case in any manner, the bail application filed on behalf of the applicant-accused is hereby allowed and is disposed off. The applicant is hereby ordered to be admitted/released on regular bail on his furnishing bail bonds in the sum of Rs. 50,000/- with one local surety in the like amount.

2. Any observations made in the order above shall not be construed as an expression on the merits of the case in any manner.

3. Papers of the bail application be attached with the pending remand papers.

**Pronounced in open Court,
4th January, 2020.**

**Ranjeev Kumar Vishisht,
UIDPB0179
Special Judge, Fatehgarh Sahib.
Dated 4.01.2020.**

*Sudhir Kinger
(Stg. Grade-1)*

(directly dictated on computer)

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