

BA1 570/2020

Hon'ble N.S. Dhanik, J.

(Via Video Conferencing)

Mr. Lalit Sharma, Advocate, for the applicant.

Mr. G.S. Sandhu, Government Advocate, assisted by Mr. J.S. Virk, AGA for the State.

Urgency applications (IA 4626 of 2020) stand is allowed.

Let the hard copy of the affidavit of the pairiokar be filed within three days of the opening of the lockdown. Exemption application (CRMA 987/2020) stands disposed of accordingly.

Heard on the bail application.

Having been implicated in the FIR No. 65 of 2020, under Sections 8/21/60 of the NDPS Act, PS Sitarganj, District Udham Singh Nagar, the applicant is in jail.

Learned Counsel for the applicant would contend that the applicant has been falsely implicated; 50.03 grams smack have been allegedly recovered from the applicant; quantity of contraband allegedly recovered from the applicant is below the commercial quantity; there is no independent public witness of the alleged recovery; compliance of the necessary provisions of the NDPS Act has not been done; applicant has no previous criminal history and he is in jail since 20.2.2020.

Learned State Counsel would oppose the bail application and submit that compliance of all the necessary provisions has been made by the police. He would also submit that Rs. 85,000/- has also been recovered from the applicant.

Having considered the overall facts and circumstances of the case and without expressing any opinion on the final merits of the case, this Court is of the view that the applicant deserves bail. Hence, the bail application is allowed.

Let the applicant be released from jail on his executing a personal bond and furnishing two reliable sureties, each in the like amount, to the satisfaction of Special Judge/Court concerned.

(N.S. Dhanik, J.)

28.4.2020

Prabodh