

Surinder pal Singh Vs. State of Punjab
**IN THE COURT OF RAMAN GOKLANEY, JUDGE SPECIAL
COURT, GURDASPUR**

CIS No: BA-3041-2025
CNR No: PBGD010066982025
Date of Order: 03.07.2025

Surinderpal Singh @ Lali aged about 43 years son of Om Parkash resident of Thathiaran Mohalla Batala, Tehsil Batala, District Gurdaspur.

...Applicant/accused.

Versus

State of Punjab.

...Respondent.

First Application for bail U/s 483 Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail.

FIR No. 83 dated 22.05.2025.
Under Sections 22 , 29 & 27-A of Narcotic Drugs &
Psychotropic Substances Act, 1985
Police Station : City Batala.

Present : Sh. R.S. Boparai, Advocate for applicant/accused.
Sh. Amit Singh Aulakh, Addl. Public Prosecutor for State.

ORDER:-

This order shall dispose of the first regular bail application filed under Section 483 Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail by applicant-accused in case FIR No.83 dated 22.05.2025 under Sections 22, 29 and 27-A of Narcotic Drugs & Psychotropic Substances, Act, 1985 registered at Police Station City, Batala, District Gurdaspur.

2. The facts, in brief, necessary for disposal/consideration of the instant bail application are that 90 intoxicant tablets and Rs. 700/- alleged to be drug money, recovered from accused/applicant Surinder Pal Singh by the

Raman Goklaney,
Judge, Special Court, Gurdaspur
Dated : 03.07.2025

Surinder pal Singh Vs. State of Punjab
Police party of Police Station City Batala on 22.05.2025. It is the case of the Investigating Agency that proper procedure for search and seizure has been followed while effecting recovery. Further on the disclosure of present accused-applicant, one accused namely Hazur Gujjar nominated in the FIR in question vide rapat No. 30 dated 23.05.2025. SI Balraj Singh appeared along with record and stated that Chemical Examiner report has not been received yet. Accused-applicant is involved in one FIR.

3. Sh. R.S. Boparai Advocate, learned counsel for the accused/applicant and Sh. Amit Singh Aulakh, learned Addl.P.P appeared on behalf of the State heard. Record perused. Learned counsel during the course of hearing produced copy of order dated 09.05.2025 passed in BA-1873-2025.

4. After hearing the rival contentions of the parties and from the perusal of the record, it emerges out 90 intoxicant capsules recovered from accused-applicant. He is in custody since 22.05.2025. Forensic Science Laboratory report has not been received so far. Since Chemical Examiner report has not received so far and it could be ascertain only after the receipt of chemical examiner report as to whether the ingredient found in intoxicant capsules would fall under commercial quantity or non commercial quantity and the said categorization of the recovery under NDPS Act is one of the important consideration for granting or refusing the bail to the accused on account of Section 37 of NDPS Act. Accordingly, in view of the judgment passed in Inderjit Singh @ Laddi Vs. State of Punjab, 2014(3) RCR (Criminal) 953, it has been held by our own Hon'ble High Court that the

Surinder pal Singh Vs. State of Punjab
Presiding Officer of a Special Court dealing with NDPS cases wherever the need is felt and where the matter is being unnecessarily delayed, may grant interim bail till the receipt of the Forensic Science Laboratory report and thereafter, consider the case after the receipt of report. In the present case the applicant has already undergone sufficient custody and no useful purpose would be served to keep him behind bars any more sans chemical analysis report. Therefore, considering the facts and circumstances of the present case and without commenting upon the merits of the case at this stage, accused-applicant is ordered to be released on interim bail till the receipt of report of Forensic Science Laboratory on furnishing bail bonds in the sum of Rs. 50,000/- with one surety in the like amount subject to the following conditions:-

- i. That in case the recovered quantity comes within the ambit of commercial quantity, then the interim bail granted vide this order stands cancelled in view of the bar created under Section 37 of NDPS Act.
- ii. That applicant-accused shall not indulge in any activity similar to the activities on the basis of which aforesaid criminal case stood registered against him for the offences under the NDPS Act.
- iii. That applicant-accused shall not undertake any action which is prejudicial to proceedings during the course of trial.
- iv. That applicant-accused shall attend all the dates during the trial unless prevented by any reasonable cause.
- v. That applicant-accused neither personally nor through anyone make any attempt to influence the witnesses or tamper with the evidence.

vi. That applicant-accused shall not leave India without the prior permission of the Court.

vii. The grant of bail is conditioned upon accused/applicant's diligent participation in the trial. This includes, but is not limited to, the timely cross-examination of witnesses and adherence to the Court's schedule. Failure to comply with these conditions, including any deliberate delay in proceedings may result in the cancellation of bail and the accused/applicant would be sent to judicial custody.

5. However, it is made clear that observations made herein above shall not be construed as an expression on the merits of the main case. The bail papers of this file be tagged with remand papers.

Date of order:- 03.07. 2025

Iqbal Singh, Stenographer-I

(Raman Goklaney)
UID No PB-0687
JUDGE SPECIAL COURT,
Gurdaspur.