

**IN THE COURT OF BISHAN SAROOP,
JUDGE, SPECIAL COURT,
MOGA (UID No.PB00449).**

CNR No.PBMO010044522025
CIS Filing No.BA/1865/2025
Date of order : 09.07.2025

State

Versus

Jaswinder Singh alias Jiwan son of Saggar Singh resident of Patti Baba Jiwan Singh, Ramuwala Kalan, Tehsil and District Moga.

---Accused-applicant

FIR No.148 dated 01.06.2025,
Under Sections :- 21/27-B/29/61/85 of NDPS Act,
Police Station :- Special Task Force, Mohali

Bail Application under Section 482 of B.N.S.S

Present :- Sh. Harjit Singh Advocate for accused-applicant.
Ms. Gunwantjit Manesh, Addl. Public Prosecutor for State.

ORDER

Vide this order I shall dispose of the bail application under section 482 of B.N.S.S by accused/applicant.

2. In pursuance of the notice of the application having been issued, learned Addl. Public Prosecutor for the State has put in appearance. Record received.

3. The brief facts of the case are that present FIR has been lodged on the ground that on the basis of secret information, co-accused Kamaljit Singh alias Nikka was apprehended by the police party headed by ASI Daljit Singh and he was found in conscious possession of 255 grams of heroin alongwith drug money of Rs.20,000/-. Accordingly, FIR was registered. Thereafter, the present applicant-accused has been nominated in this case under Section 29 of NDPS Act during the interrogation of co-accused Kamaljit Singh alias Nikka. The applicant-accused could not be arrested. Now apprehending his arrest, the accused-applicant has filed the present pre-arrest bail application.

4. I have heard learned counsel for the applicant-accused as well as learned Additional Public Prosecutor for the State.

5. ASI Daljit Singh has suffered his separate statement that he has brought the record of present bail application. As per record, this is first bail application of the accused/applicant under Section 482 of BNSS Act. In the case in hand, recovery of 255 grams of Heroin has already been effected from co-accused. The present accused/applicant has been nominated in the present case on the basis of statement of co-accused being source of said contraband. Two other criminal cases are pending against the accused/applicant.

6. Present FIR was lodged against co-accused Kamaljit Singh alias Nikka and from his conscious possession, 255 grams of heroin had been recovered. On the basis of statement of co-accused Kamaljit Singh alias Nikka, present accused/applicant Jaswinder Singh was nominated in this case under Section 29 NDPS Act. As per case of police, co-accused Kamaljit Singh alias Nikka disclosed the police during investigation that he alongwith Jaswinder Singh are indulged in the business of selling Heroin and after purchasing the Heroin from some person, accused/applicant used to hand over the same to him. Thereafter, accused/applicant was nominated in this case under Section 29 of NDPS Act vide DDR No.11 dated 04.06.2025. Hon`ble High Court of Punjab & Haryana in ***Ravi Vs. State of Punjab (CRM-M No.48030 of 2024, decided on 25.09.2024)*** has observed that anticipatory bail cannot be granted to the accused, who has been named in disclosure statement of arrested accused by relying upon the judgment of Hon`ble Supreme Court in ***State of Haryana Versus Samrath Kumar, 2022(3) RCR(Criminal) 991***. In these circumstances, custodial interrogation of applicant-accused is necessary to ascertain, from whom, accused/applicant used to procure above said heroin. Considering the serious nature of the offence, no case is made out for grant of anticipatory bail to the accused/applicant. Consequently, the instant bail application is hereby dismissed. File be tagged with remand papers.

Pronounced.

Dated :- 09.07.2025

Sunny Stenographer-II

(Bishan Saroop)
Judge, Special Court,
Moga (UID No.PB00449).

Present :- Sh. Harjit Singh Advocate for accused-applicant.
Ms. Gunwantjit Manesh, Addl. Public Prosecutor for State.

Police file received and perused. Arguments heard. Vide my separate order of even date, the present bail application stands dismissed. Papers be attached with relevant record.

Pronounced.

Dated :- 09.07.2025

Sunny Stenographer-II

(Bishan Saroop)
Judge, Special Court,
Moga (UID No.PB00449).