

IN THE COURT OF SH. BIKRAMJIT SINGH, JUDGE SPECIAL COURT, BARNALA. (UID NO.PB0224)

BA No.274-2025
CNR No. PBBR01-000758-2025
Decided on 03.03.2025

Davinder Singh alias Lali son of Daleep Singh alias Banka resident of Street no. 3, Gursewak Nagar, Raikot Road, Barnala, District Barnala.

.....Bail applicant.

Versus

State of Punjab

.....Respondent.

FIR No. 28 dated 23.01.2025
under Section 15/61/85 of NDPS Act,
P.S. City Barnala.

Bail application under Section 483 of BNSS, 2023.

Present: Sh. Gurdarshan Singh, Adv, counsel for accused/applicant
Sh. Dilpreet Singh, APP for the State.

ORDER

1. This order of mine shall dispose of above mentioned bail application moved by bail applicant Davinder Singh alias Lali in the above noted case for grant of regular bail under section 483 BNSS, 2023.

2. Notice of bail application was issued to the State and learned Addl. PP for the State has put in appearance. Record of investigation received and perused.

3. I have heard the learned Counsel for the bail applicant, learned Addl. PP for the State and also perused the record.

4. Succinctly stated as per the case of prosecution on 23.01.2025, upon secret information a police party headed by ASI Kuldeep Singh apprehended the accused/applicant Davinder Singh alias Lali. After

complying with mandatory provisions of the NDPS Act, search of the accused/applicant was conducted, which resulted into recovery of 4.5 kg poppy husk were recovered from his conscious possession and he was arrested in the present case. Hence, the present bail application.

5. Learned counsel for the applicant/accused has vehemently contended that the accused has been falsely implicated in this case. The prosecution allegations are totally false and frivolous. He further argued that no recovery is to be effected from the accused/applicant and even otherwise, the alleged recovery falls within non commercial quantity. He further argued that the accused/applicant is in custody since 23.01.2025. He further argued that presentation of challan and thereafter conclusion of its trial will take long time and no useful purpose would be served by detaining the accused/applicant further behind the bars. He further submitted that even the report of FSL has not been received so far. The accused/applicant will abide by all the terms and conditions as imposed by this Court. Lastly, a prayer for grant of interim bail to the accused/applicant till receipt of the report of FSL has thus, been made.

6. On the other hand, the learned Additional Public Prosecutor has vehemently opposed the bail application on the ground that the allegations against the accused/applicant grave and serious in nature, as such the accused/applicant is not entitled for bail. Lastly, a prayer for dismissal of the bail application has thus, been made .

7. After giving thoughtful consideration to the rival contentions and after going through the record, this court is of the considered view

that the accused/applicant is entitled for interim bail at this stage. As per prosecution allegations, 4.5 kg of poppy husk has been recovered from the accused/applicant in the present case as detailed above. The accused/applicant is in custody since 23.01.2025. Challan of the case has not been presented so far and even report of chemical examiner has not been received so far. Unless and until report is received from the office of Chemical examiner, contents of contraband cannot be determined and at present accused/applicant is in judicial custody merely on the basis suspicion of investigating officer that material recovered from accused/applicant is some narcotic or psychotropic substance. In these circumstances, it would not be proper and justified to keep the accused/applicant in custody for an indefinite period till the report of chemical examiner is received. In this regard, I find support from the law laid down by Hon'ble High Court of Punjab & Haryana in case titled as **“Inderjit Singh @ Laddi Vs. State of Punjab 2014 (3) RCR (Criminal) 953”**. In view of my discussion above and law laid down by Hon'ble Punjab and Haryana High Court, it is a fit case where interim bail should be granted to the accused/applicant. Accordingly, accused/applicant is ordered to be released on **interim bail** on furnishing bail bond in the sum of Rs.1,00,000/- with one surety in the like amount to the satisfaction of this court/duty Magistrate with the following conditions:

- i) That the applicant/accused shall remain present before the court on each and every date of hearing.
- ii) That the applicant/accused shall not leave India without the prior permission of the court.

- iii) That the applicant/accused shall not influence or intimidate any of the prosecution witnesses in any manner whatsoever.
- iv) That the applicant/accused shall not commit similar offence in future.
- v) That this order of interim bail is subject to the result of the chemical examiner.

It is further made clear that if, on receipt of report of Chemical Examiner/Forensic Science Laboratory, quantity of recovered contraband is found to be of commercial quantity under the Act or the accused/applicant is found to be involved in the recovery of contraband falls within commercial quantity, the relief of interim bail will come to an end automatically and accused has to be surrender in the Court and will be taken into custody, without any further order of cancellation of his interim bail. Accordingly, the present bail application is disposed of.

Police record be returned. Bail application file be attached with remand papers.

Pronounced:
March 03, 2025

Rajiv Kumar JW/I

(Bikramjit Singh)
Judge, Special Court,
Barnala, (UID No.PB00224)