

***In the Court of Raman Goklaney, Judge, Special Court,
Chandigarh. (UID No.PB0687)***

CNR No. CHCH01-005286-2026

B.A. No: 2324 of 2026

Decided on: 19.08.2026

Vijay S/o Sh. Gautam R/o #1389, Sector 52, Chandigarh.

(Presently confined in judicial custody).

..... Applicant/accused

versus

State of UT, Chandigarh.

.....Respondent

**First Application for bail u/s 483
Bharatiya Nagarik Suraksha Sanhita,
2023 (erstwhile Section 439 of Cr.P.C.)
for grant of regular bail.**

==*==

**FIR No. 96 dated 31.07.2026.
Under Sections: 21 & 22 of NDPS Act.,
Police Station: Maloya, Chandigarh.**

==*==

**Present : Sh. Sukhvir Vohra, Advocate, for applicant-accused.
Sh. Sukhram, Addl. Public Prosecutor for State.**

ORDER:

1. This order shall dispose of the first bail application filed under the

provisions of Section 483 Bharatiya Nagarik Suraksha Sanhita, 2023 (erstwhile Section 439 of Criminal Procedure Code, 1973) for grant of regular bail to accused-applicant in FIR No.96 dated 31.07.2026 under Section 21 & 29 of NDPS Act, 1985, registered at Police Station Maloya, Chandigarh.

2. The facts in brief necessary for disposal/consideration of the present bail application are that on 31.07.2026 police party headed by ASI Abhishek was patrolling in the area falling under the jurisdiction of Police Station Maloya, Chandigarh and at about 11.45 PM, the police party noticed one Silver Grey Colour car bearing registration No. PB-65-BC-2985 coming from the side of market Toga. It is the case of the investigating agency that when the said vehicle was intercepted on the basis of suspicion, the driver of the vehicle could not give satisfactory response to the queries of the Investigator. It is the case of the investigating agency that after following proper procedure for search and seizure, 14.11 grams of Heroin and 3.61 ICE meth recovered from independently from the individual namely Gursewak Singh S/o Ram Singh, driver of the car. The present applicant-accused has been arraigned as an accused subsequently in the present case and was arrested on 02.08.2026 and at the instance of the present applicant-accused, 5.14 grams of Heroin was recovered from the applicant-accused. The applicant-accused has been facing incarceration since 02.08.2026.
3. Sh. Sukhvir Vohra, Advocate, representing the accused/applicant and Sh. Ashok Rohilla, learned Addl.P.P for the State heard.
4. Remand papers pending before this Court for 31.08.2026, requisitioned and perused.
5. After hearing the rival contentions of the parties and from perusal

of record, it emerges that the quantity of contraband involved in the present case falls under intermediate quantity. As such the rigors of Section 37 of NDPS Act does not apply and the parameters for grant of bail under the regular statute are applicable. The accused/applicant has been facing incarceration since 02.08.2026. Factors such as the gravity of offence, the likelihood of the accused fleeing and the possibility of tampering with evidence should be considered. Personal liberty is central tenet of justice system and lengthy detentions without conviction are unacceptable, regardless of the number of cases, in which the bail seeker is involved. Indefinite custody is not justified unless legally mandated. In the present case, the quantity of contraband allegedly recovered from the accused is 5.14 gram heroin, which falls under intermediate quantity. The accused-applicant is in custody since 02.08.2026. The completion of investigation and conclusion of trial would take considerable time and keeping the accused-applicant behind the bars for indefinite period would not serve any purpose, more so when all the prosecution witnesses would be police officials.

6. Accordingly the present regular bail application is **allowed**. The applicant shall be released on bail upon furnishing a personal bond and one surety bond in the sum of Rs. 50,000 (Rupees Fifty Thousand) each. Alternatively, if the applicant is unable to provide immovable property as security, the surety bond may be furnished in the form of an auto-renewal Fixed Deposit Receipt (FDR) of Rs. 25,000/- issued by a Scheduled/Nationalized Bank listed with RBI. The original FDR to be deposited with the Court. Appropriate communication shall be made to the concerned revenue authority or the Bank to record the furnishing of surety bonds by the surety

in their official records.

Surety Requirements & Undertakings:

- i. The affidavit filed by the surety shall include his full current address along with mobile and WhatsApp contact numbers and an undertaking to immediately intimate the trial court in case of any change of address or phone number/mobile number. Furthermore, the surety shall expressly undertake in the affidavit not to withdraw, break or prematurely encash the Fixed Deposit Receipt (in case surety bonds backed by FDR) until the final disposal of the case. It shall also be stipulated that the FDR shall be maintained as an autorenewal fixed deposit throughout the pendency of the case and the surety shall produce evidence of such auto-renewal before the Court as and when required. If the surety provides immovable property/movable property registered with the authority as security, the affidavit must contain an undertaking that he shall not dispose, transfer, or create any further charge or encumbrance on the said property during the pendency of the case without prior permission of the trial court.

Following conditions shall applied to the accused/applicant:

- ii. The accused/applicant shall abstain from any activity constituting an offence under the Narcotic Drugs and Psychotropic Substances Act (NDPS Act).
- iii. The accused/applicant shall refrain from any acts prejudicial to the trial proceedings.
- iv. The accused/applicant shall attend all dates/hearing before the trial court without fail, except when prevented by

- reasonable cause with due intimation to the trial court.
- v. The accused/applicant shall not, directly or indirectly, attempt to influence witnesses or tamper with evidence.
 - vi. The accused/applicant shall not leave the country without the prior permission of this Court.
 - vii. The grant of bail is conditioned upon the accused/applicant's diligent participation in the trial, including the timely cross-examination of witnesses and strict adherence to the Court's schedule. Any deliberate delay or obstruction may lead to the cancellation of bail, in which case the accused would be remanded to judicial custody.
 - viii. The applicant must attend every date of hearing before this court without fail unless prevented by a reasonable cause supported by formal intimation to the Court by moving an exemption application.
 - ix. The bail is strictly conditioned upon applicant's active and diligent participation, particularly the immediate cross-examination of the witnesses present in the court. If the trial is prolonged due to unjustified delay or non cross-examination, this court may cancel the bail granted to the accused-applicant and remand the accused to judicial custody till the conclusion of trial.
7. In the event of a violation of any of the aforementioned conditions, the State shall be at liberty to move an application for the cancellation of bail.
8. It is clarified that the observations made herein above while granting bail to the accused-applicant shall not be construed as an

expression on the merits of the main case.

9. The bail application file shall be tagged with the remand paper/main case.

Pronounced in open Court on:
19.08.2026

(Raman Goklaney)
Judge, Special Court, Chandigarh.
(UID No.PB0687)

Seema Bura, Stenographer II

CNR No. CHCH01-005286-2026

BA/2324/2026

Present : Sh. Sukhvir Vohra, Advocate, for applicant-accused.
Sh. Ashok Rohilla, Addl. Public Prosecutor for State.

Reply not filed.

Arguments heard.

Vide my separate detailed order of even date, the instant application filed on behalf of the applicant Vijay for grant of regular bail stands allowed as detailed therein. The bail application file be tagged with the remand paper/main case which is pending for 31.08.2026.

Date of Order:
19.08.2026

(Raman Goklaney)
Judge, Special Court, Chandigarh.
(UID No.PB0687)

Raman Goklaney, Judge, Special Court, Chandigarh. (UID No.PB0687)
19.08.2026