

**IN THE COURT OF JATINDER PAL SINGH,
JUDGE, SPECIAL COURT,
BATHINDA.**

CNR No: PBBT01-001662-2025.

CIS No: BA-539-2025.

Date of Order: 04.03.2025.

State Vs. Radhesham son of Jeona Ram resident of Village
Chauke now resident of Radha Swami Wali,
Rampura Mandi, District Bathinda.

.....Accused/Applicant

FIR No.93 dated 26.12.2024
under Section: 22-B & 29 NDPS Act,
Police Station: Sadar Rampura, Bathinda

Bail application under Section 483 BNSS, 2023.

Present: Sh. Pankaj Soni Adv., counsel for applicant/accused
Radhesham.
Sh. Inderpal Singh Walia, Addl.PP for the State.

ORDER:

Vide this order, I will dispose of the bail application filed by
accused/applicant Radhesham under Section 483 BNSS in the
aforementioned case.

2. Notice of the bail application was given to the State and
concerned police record was also summoned. No reply to the bail application
was filed on behalf of State. However, the bail application has been strongly
opposed by learned Addl.PP for the State.

3. Learned counsel for the accused/applicant argued that accused
has been falsely implicated in this case and nothing has been recovered from
him. The accused has been nominated in this case vide DDR No.18 dated
28.12.2024, on the disclosure statement of co-accused Harmesh Singh and

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he is in custody since 26.12.2024. He has further argued that vide DDR No. 27 dated 26.02.2025 offence under Section 22-C NDPS Act was deleted and offence under Section 22-B NDPS Act was added. As such accused may be granted bail under Section 22-B & 29 NDPS Act.

4. On the other hand, Learned Addl.PP for the State opposed the bail application and submitted that accused has committed a serious offence under NDPS Act and thus his bail application may be dismissed.

5. I have heard the learned counsel for the bail-applicant and learned Addl.Public Prosecutor for the State and have also gone through the record of the case.

6. The brief facts which are necessary for just effective disposal of the bail application are that on 26.12.2024, in the area of Village Bullo, co-accused Harmesh Singh was apprehended by the police party in possession of one polythene. From the search of said polythene recovered from the said co-accused, 1200 tablets of "Panadole" (Tramadol Hydrochloride tablets USP 100 mg) were recovered without any license or permit in this regard. At a later stage, the bail-applicant was named as the accused in this case under Section 29 of the NDPS Act on the basis of disclosure statement of co-accused.

7. As mentioned above, the police record depicts that the main accused Harmesh Singh was apprehended in possession of 1200 tablets of "Panadole" (Tramadol Hydrochloride tablets USP 100 mg), without any license or permit in this regard. The alleged recovery falls within the scope of non-commercial category. In this regard statement of ASI Amrik Singh

has also been recorded vide which he stated that in instant case total 1200 tablet of Tramadol (non-commercial as per report of FSL) were recovered from accused Harmesh Singh, whereas accused Radhe Sham and Deepak have been nominated under Section 29 of NDPS Act. Offence under Section 22-C has been deleted and 22-B has been added vide rapat No. 27 dated 26.02.2025.

As the accused/applicant Radhe Sham was nominated as accused in this case under section 29 of NDPS Act on the basis of statement of said accused Harmesh Singh and he is in custody since 26.12.2024. Nothing untoward is stated to have been recovered from the bail applicant. The investigation is complete as the challan has already been presented in the court, however disposal of the trial is going to take considerable time and no fruitful purpose is to be served by keeping the accused/applicant in custody further. Accordingly, the bail application is allowed and the accused/applicant Radhe Sham is ordered to be released on regular bail subject to furnishing of bail bonds in the sum of Rs.50,000/- with one surety in the like amount, subject to the following conditions:

1. That accused/applicant will not tamper with the prosecution evidence and will not offer any threat, promise or inducement, directly or indirectly to any of the person acquainted with the facts of the case, dissuading him from disclosing the same to the court/investigating agency; and
2. That accused/applicant will not leave the limits of India without prior permission of the court.
3. That accused/applicant will appear on each and every date of hearing. Subject to the order of exemption, trial court is at liberty to cancel the bail order.

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8. Bail bonds and surety bonds not furnished. Bail application file
be tagged with main case file.

Pronounced in the open Court.
Date of Order: 04.03.2025
Sunita Rani, Stenographer-III

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Judge, Special Court,
Bathinda.
UID No.PB0263

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