

Sunil Kumar Vs. State

**IN THE COURT OF RAMAN GOKLANEY, JUDGE SPECIAL
COURT, GURDASPUR**

CIS No: BA-5357-2025

CNR No: PBGD010 118842025

Date of Order: 13.10.2025

Sunil Kumar @ Abhi son of Surjit Singh, resident of outside Hathi Gate,
Batala, Tehsil Batala, District Gurdaspur.

...Applicant/Accused

Versus

State of Punjab

...Respondent.

**First bail applicaiton under Section 483 Bharatiya Nagarik
Suraksha Sanhita, 2023 for grant of regular bail.**

FIR No. 166 dated 04.09.2025

Under Sections : 22 and 27(A) of NDPS Act,

Police Station : City Batala.

Present : Sh. Rohan Kumar, Advocate, for applicant-accused.
Sh. Amit Singh Aulakh, Addl. Public Prosecutor for State.

ORDER:

1. This order would dispose of the first bail application filed under the provisions of Section 483 BNSS, 2023 for regular bail, in connection with FIR No. 166 dated 04.09.2025, under Section(s) 22 & 27(A) of NDPS Act registered at Police Station City Batala, Police District Batala, District Gurdaspur.

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2. The facts in brief necessary for disposal/consideration of the present bail application are that on 04.09.2025, the police party headed by SI Balwinder Singh was patrolling in the jurisdiction of Police Station City Batala, Police District Batala, District Gurdaspur. When the police party reached in the area of near Drain Hnasli turn Bank Colony towards Amritsar side, then a young man, later identified as Sunil Kumar @ Abhi was noticed in suspicious movements. The said young man was apprehended by the police party. It is the case of the investigator that after following due procedure of search and seizure, 45 intoxicant tablets along with Rs. 380/- alleged to be drug money was recovered from his possession. After registration of the FIR, vide DDR No. 24 dated 04.09.2025, two individuals namely Atul Bhatti and Piyush nominated in the FIR in question. Both the subsequent nominated accused yet to be arrested in the present case.

3. Sh. Rohan Kumar, Ld. Counsel for the accused/applicant and Sh. Amit Singh Aulakh, learned Addl. Public Prosecutor, assisted by ASI Sohan Lal were heard. The record has been perused. It is submitted that the accused/applicant is not involved in any other case under the NDPS Act. Per contra, Sh. Rohan Kumar, Advocate, for accused-applicant

submitted that applicant is not a prior convict and he is on bail in other two cases.

4. After hearing the rival contentions of the parties and from the perusal of the record, it emerges out that as per the case of the prosecution, 45 intoxicant tablets along with Rs. 380/- alleged to be drug money recovered from the possession of the accused-applicant. He is in custody since 04.09.2025. Forensic Science Laboratory report has not been received so far. It could be ascertained only after the receipt of 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 45 intoxicant tablets 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. As far as Rs.380/- attracts Section 27(A) of NDPS Act would be matter of trial. Accordingly, in view of the judgment passed in 'Inderjit Singh @ Laddy Vs. State of Punjab', 2014(3) RCR (Criminal) 953, it has been held by our own Hon'ble High Court that the Presiding Officer of a Special Court dealing with NDPS cases wherever the need is felt and where the matter is

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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. In view of the above, the bail application is allowed. The accused/applicant is admitted to bail on furnishing bail bonds/surety bonds in the sum of Rs. 50,000/- with one surety of the like amount, subject to the following conditions:

- i. The accused/applicant shall not indulge in any activity similar to those constituting the offences under the NDPS Act.
- ii. The accused/applicant shall not undertake any action prejudicial to the trial proceedings.
- iii. The accused/applicant shall attend all trial dates without any default unless prevented by reasonable cause.
- iv. The accused/applicant shall not, directly or indirectly, attempt to influence witnesses or tamper with evidence.
- v. The accused/applicant shall not leave the country without prior permission of this Court.
- vi. The grant of bail is conditional upon the accused/applicant's diligent participation in the trial, including timely cross-examination of witnesses and adherence to the Court's schedule. Any deliberate delay may result in cancellation of bail and remand to judicial custody.

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5. It is clarified that the observations herein shall not be construed as an expression on the merits of the main case. The police record be returned, and the bail application file be tagged with the main case file. The file be returned to the concerned court.

Date of order:- 13.10.2025.

Iqbal Singh, Stenographer-I

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

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