

IN THE COURT OF RAKESH KUMAR,  
UID No. PB-0138  
JUDGE, SPECIAL COURT  
KAPURTHALA

**CNR No.**  
**PBKP010062192023**



**Case No. BA/2580/2023**

**Presented on** : 22-11-2023

**Registered on** : 22-11-2023

**Decided on** : 05-12-2023

Ramesh Kumar, s/o Amarjit Singh, aged about 36 years, r/o H. No.58/11,  
Village Nagra, Tehsil and District Jalandhar.

**.... Applicant/accused.**

**Versus**

State of Punjab.

**..... Respondent.**

FIR No.102 of 05.05.2022,  
U/s 21 of NDPS Act, 1985,  
Police Station – Kotwali, Kapurthala.

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**Application for bail under Section 439 of Cr.P.C.**

Present: Sh.V.K.Puri, Advocate for the applicant/accused.  
Sh.Manoj Kumar, Addl. Public Prosecutor for the State.

**O R D E R**

Record perused. **Arguments have been heard** on regular  
bail of above referred applicant/ accused Ramesh Kumar in the above  
referred case. There are allegations of recovery of 100 grams of Heroin on  
the basis of secret information from non applicants/ accused Ranjit Singh

@ Bablu (50 grams Heroin) and Gurpreet Singh @ Gopy (50 grams Heroin) on 05.05.2022, in the area of T-point Jail Road Bheela, Police Station Kotwali Kapurthala, while they were travelling in a car make Verna bearing registration No.PB-08-ET-9779. Afterwards, on the basis of disclosure statement of non applicant/ accused Ranjit Singh @ Bablu, recovery of 500 grams of Heroin, 02 Pistols 7.65 along with 10 cartridges was also effected on 06.05.2022 with addition of offence punishable under section 25 of Arms Act, 1959 vide Rapat No.24 of 06.05.2022. Thereafter, on the basis of further disclosure statement of aforesaid non applicant Ranjit Singh @ Bablu, name of accused Harwinder Singh @ Dara was also unearthed in the present case being supplier of aforesaid 02 Pistols 7.65 and 10 cartridges to the non applicants Ranjit Singh @ Bablu and Gurpreet Singh @ Gopy with the addition of offence punishable under section 29 of NDPS Act. Applicant/ accused Ramesh Kumar and non applicant / accused Himanshu @ Vishu were also nominated in the present case as his involvement was also unearthed in the present case. Afterwards, present applicant/ accused Ramesh Kumar was apprehended in the present case and now, stated to be in judicial custody since 17.08.2023. The supplementary challan against present applicant/ accused has not been presented till date.

2. Learned counsel for the applicant has vehemently contended that he has falsely implicated in the present case on the basis of disclosure statements of main accused/ non applicants. No recovery was ever

effected from the present applicant. Otherwise, the alleged recovery has already been effected from the main accused/ non applicants. He is in custody since 17.08.2023. Moreover, presentation of supplementary challan and conclusion of trial will take time. No useful purpose will be served by keeping the applicant behind the bars.

3. On the other hand, learned Addl. PP for the State has contended that gravity of offence does not warrant the concession of regular bail to the present applicant/ accused. The recovery of Heroin along with 02 pistols and 10 cartridges have been effected in the present case though from the non applicants, but involvement of present applicant/ accused has been unearthed in the present case during investigation proceedings. So, the present bail application is liable to be dismissed.

4. I have heard the submissions made by learned counsel for the applicant/ accused and learned Addl. PP for the State.

5. Admittedly, the present applicant/ accused Ramesh Kumar was involved in the present case only on the basis of disclosure statements of main accused/ non applicants Ranjit Singh @ Bablu and Gurpreet Singh @ Gopy. However, no alleged recovery either individually or jointly, was ever effected from the possession of present applicant/ accused. So far as the provisions of NDPS Act is concerned, the only allegations against the present applicant/ accused (on the basis of disclosure statements of above-named non applicants) are that they had

supplied the intoxicant material to present applicant/ accused. Moreover, at this stage, there is nothing on record to connect him with the alleged recovery of contraband i.e. Heroin. The applicant/ accused is in custody since 17.08.2023 in this FIR till date. So, sufficient period of his custody has also been passed.

6. Consequently, the applicant/ accused Ramesh Kumar is, hereby, admitted on regular bail, subject to furnishing bail bonds in the sum of Rs.75,000/- with one surety bond of like amount with the conditions that applicant-accused will not tamper with the evidence; will attend the court on each and every date of hearing and will not leave India without prior permission of the court till the disposal of the trial. Accordingly, the present bail application stands disposed of. Bail application be attached with the file of concerned FIR.

Pronounced in open Court.  
Dated:05.12.2023.

Kaushal Kumar

(Directly dictated on computer)

(Rakesh Kumar)  
Judge, Special Court,  
Kapurthala(UID No. PB-0138).