

**IN THE COURT OF PARMINDER SINGH RAI,
JUDGE, SPECIAL COURT, GURDASPUR**

CIS No.BA/1012/2025
CNR No. PBGD01-002563-2025
Date of Decision: 28/03/2025

Shouqat Ali s/o Farid Ahmed Village Nakki, Tehsil Majalta, District
Uadampur (J&K)

.....Petitioner.

Vs.

State

.....Respondent

FIR No.13 Dated 20.05.2021
Under Sections 21, 22 NDPS Act, & 25 of Arms Act,
Police Station:- State Special Operation Cell, Amritsar.
District Intelligence Wing (CID), Amritsar.

2nd bail application under Section 482 BNSS

Present: Shri K.S. Saini, Advocate, counsel for petitioner.
Shri Vikram Kashyap, Ld. Additional P. P for State

ORDER

1. Present petition has been filed by petitioner seeking pre-arrest bail under Section 482 of BNSS.
2. Upon notice, learned Addl. P.P. put in appearance on behalf of State. Trial file was also requisitioned.
3. It has been submitted by counsel for the petitioner that accused/applicant was declared proclaimed offender. He was falsely booked in the present case as well. The order declaring him proclaimed offender has even been set aside by the Court in revision. The recovery has already been effected. No custodial interrogation is

required. He is ready to face trial, so he may be admitted to pre-arrest bail.

4. On the other hand, it is submitted by learned Additional Public Prosecutor that the petitioner is a proclaimed offender. He intentionally absented from the Court in order to delay the proceedings, so the present bail application is liable to be dismissed.

5. I have heard the arguments of learned counsel for petitioner as well as of learned Additional Public Prosecutor for State and have perused the record.

6. As per the allegations contained in FIR, one secret information was received by State Special Operation Cell, Amritsar that one Shouqat Ali son of Farid Ahmad and Amir Khan son of Gulam Rasool, residents of Udhampur (Jammu and Kashmir) are arms and drugs smugglers having contact with Pakistan smugglers and they both deals with smuggling drugs after taking from Indo Pakistan Border Jammu and Kashmir, who had been earlier supplying drugs and arms in different cities of Punjab and even they also have received one consignment of drugs and arms ammunition from Pakistan smugglers to whom they are to deliver in Gurdaspur District of Punjab as well. If Naka be conducted with some planning, intoxicant substances and arms ammunition of consignment can be recovered. Then, FIR was registered. It is also the case that on Nakka so laid, one motorcycle was seen coming from Madhupur side

and the driver of motorcycle was holding a kit bag on front seat of motorcycle, who on seeing the police party, stopped their motorcycle behind and they tried to turn back their motorcycle after starting it but they failed to restart motorcycle and on seeing the police party towards them, they escaped from the spot by leaving motorcycle there. The kit bag was thrown and they ran towards Kachha path. The police party chased them however, they could not captured. On checking, the kit bag found to be containing 550 gram heroin alongwith 20 live cartridges and AK47.

7. This is second pre-arrest bail application on behalf of applicant as his first bail application was dismissed by this court vide order dated 17.05.2022. Allegations are quite serious one. Commercial quantity 550 grams of heroin has been recovered from the vehicle on which the applicant/accused along with his co-accused were travelling alongwith 20 cartridges of AK 47 rifle the prohibited firearm. Even if the order declaring applicant proclaimed offender has been set aside, however, the custodial interrogation would be essentially required to unearth the whole nexus of drugs trade in the area. Menace of drugs is eating into the vitals of society in as much as the youth of the country is being lured into drugs and its addiction posing a great threat to even the growth of country and nation building. The investigation is under progress. The police might be able to collect more legal affirmative evidence for which the

custodial interrogation of accused is essentially required. Moreover the network of supply of the drugs in the area would also be required to be smashed. So in such circumstances, no ground is made out to grant concession of pre-arrest bail to applicant, as such, the present bail application stands dismissed. Police record be returned. Record of bail application be consigned to Record Room.

Pronounced
Dated:28/03/2025.
Gurpreet Singh Stenographer-II

(Parminder Singh Rai)
Judge, Special Court,
Gurdaspur.

Present: Shri K.S. Saini, Advocate, counsel for petitioner.
Shri Vikram Kashyap, Ld. Additional P. P for State

Arguments heard. Vide my separate detailed order of even date, bail application has been dismissed. Police record be returned. Record of this bail application be consigned to Record Room.

Pronounced
Dated:28/03/2025.
Gurpreet Singh Stenographer-II

(Parminder Singh Rai)
Judge, Special Court,
Gurdaspur.

