

**In the Court of Parinder Singh,
Judge Special Court, Amritsar.**

Bail Application No. BA/10048/2026
Date of Decision: 20.06.2026

State

Versus.

Talwinder Kumar alias Kaka Son of Chaman Lal alias Pappu, R/o Ward
No.9, Chhatti Gali, Main Bazaar, Majitha, Amritsar.

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Applicant/Accused.

FIR No.86 dated 23.05.2026
U/Sec.21/27-A/29/61/85 NDPS Act.
P.S.Majitha, Amritsar.

First Bail application under Section 483 of BNSS, 2023

Present: Sh.Mantesh Singh, Advocate for accused/applicant.
Sh.Bikramjeet Singh Mahla, Addl.PP for the State.

Order:-

1. Statement of SI Sukhninder Singh regarding the antecedents of applicant, present bail application being first bail application, recovery etc. has been recorded. Report of Ahlmad regarding present bail application being first application perused. Police record seen and returned.
2. Heard on the bail application moved on behalf of accused/applicant under Section 483 of BNSS, 2023.
3. In support of his application, learned Counsel for the applicant/accused submitted that applicant is innocent and he has been

**Parinder Singh, Judge, Special Court/Vacations Judge, Amritsar,
UID No.PB0247, Date of Order: 20.06.2026.**

falsely implicated in the present FIR. The applicant never kept in his possession any such contraband/narcotic nor he ever supplied any such prohibited article to any person. Police has implanted false recovery of 04 grams of heroin and drug money just in order to harass him. He further added that the completion of investigation and conclusion of trial is likely to take considerable time and detention of applicant for the purpose of investigation and trial is not required. The applicant is ready to abide by all the conditions that may be imposed by this Court. Thus, learned counsel for the applicant prayed for release of the accused on bail.

4. In reply, ld.Additional Public Prosecutor for the State submitted that the applicant is a habitual offender who is in the habit of supplying heroin etc. to youngsters. As per the investigation, on 23.05.2026, police party headed by SI Harpreet Kaur apprehended the present applicant on the basis of suspicion and recovered from his possession a polythene bag containing 04 grams of heroin and drug money of Rs.200/-.

5. He further added that the investigation is at initial stage and release of applicant at this stage is likely to hamper the investigation. Moreover, in case the applicant is released on bail, he is likely to return to his illegal business of supplying heroin and thus, he is not entitled to be released on bail.

6. Rival submissions of learned Counsel for the applicant and ld.Additional Public Prosecutor for the State considered and record has been perused.

7. Perusal of the record reveals that the applicant/accused was apprehended by the police on 23.05.2026 and from his possession 04 grams heroin was recovered. The applicant has already been remanded to judicial custody and thus, his further detention for the purpose of investigation is not required. The applicant is in custody for about one month. Completion of investigation and conclusion of trial are likely to take considerable time and no benefit would be achieved by retaining the applicant behind bars during said long period, rather keeping him behind bars would amount to putting unnecessary burden on the State Exchequer.

8. Though offence punishable under Section 27-A of the NDPS Act has been added in the FIR on recovery of currency notes of Rs.200/- (which are alleged to be sale proceeds of narcotics) but it is pertinent to note that there is no such allegation against the applicant of having financed any of the activities as mentioned in Section 2 (viii b) of the NDPS Act or harboured any person engaged in any of those activities. As observed by our own Hon'ble High Court in the case of "Manjinder Singh alias Mani Vs. National Investigation Agency" CRA-D-217-2021 (O&M) dated 12.10.2022, the charge under Section 27-A of the NDPS Act is not prima facie made out against a person, who is himself alleged to be involved in sale/purchase of heroin. Since in the case in hand, applicant himself is alleged to be involved in dealing in narcotics and the currency notes recovered from his possession are alleged to be sale proceeds of narcotics, the addition of said offence, cannot be made a ground to decline the present bail application.

9. As stated by SI Sukhninder Singh, applicant is not involved in any other FIR/case and thus, he cannot be held to be a habitual offender. As all the prosecution witnesses are police officials, it can also not be said that in case applicant is released on bail, he is likely to influence the prosecution witnesses. There is also no such allegation against the applicant that he is likely to abscond in case released on bail.

10. Keeping in view the above referred facts, circumstances and quantity of Narcotic allegedly recovered from his possession, this Court find it proper to extend the benefit of bail to the applicant, who is already in custody since 23.05.2026. Applicant is ordered to be released on bail on furnishing bail bonds to the satisfaction of learned Illaqa/Duty Magistrate with one surety in like amount. Surety may furnish proof regarding ownership of some immovable property or may deposit the bond amount in cash/FDR, in token of his/her financial soundness.

11. Further in compliance to the directions issued by Hon'ble Supreme Court of India in *Suo Moto Writ Petition (Criminal) No.4/2021 titled IN RE: POLICY STRATEGY FOR GRANT OF BAIL*, Ahlmad is directed to send the soft copy of this order to the Central Jail, where the applicant is confined, so that applicant is made aware of grant of bail.

12. Anything observed herein would not amount to comments on the merits of the case. Copy of this order be sent to the learned Area/Duty Magistrate. Record of bail application be attached with pending remand papers and same be returned to the concerned Court, forthwith.

Pronounced in open Court (Parinder Singh)

Parinder Singh, Judge, Special Court/Vacations Judge, Amritsar,
UID No.PB0247, Date of Order: 20.06.2026.

State Vs. Talwinder Kumar alias Kaka 5

Date of order: 20.06.2026 Judge, Special Court/Vacations
Judge, Amritsar.
UID No.PB0247

Avadh Joshi, Stenographer Gd-II.