

PBTT010020622025



Presented on : 04-04-2025
Registered on : 05-04-2025
Decided on : 15-04-2025
Duration : 0 years, 0 months, 11 days

**IN THE COURT OF PRASHANT VERMA
JUDGE SPECIAL COURT, TARN TARAN
(UID No. PB0236)**

Case Type	BA
Filing Number	1757/2025
Registration number	1005/2025
CNR Number	PB-TT-01-002062-2025
Date of Decision	15.04.2025

Dharambeer Singh @ Bashi, aged about 27 years, son of Resham Singh, resident of village Kutiwala, Post Office Sabhra, Police Station Sadar Patti, Tehsil Patti, District Tarn Taran.

.....Accused/applicant

Vs.

State of Punjab.

Ist Bail Application under Section 483 of BNSS

F.I.R .No. 17 dated 12.03.2025 under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station, Harike

* * * *

Present: Shri A.S. Dhillon, Advocate for applicant/accused.
Shri Gaurav Dewan, APP for the State
ASI Rajbir Singh, belt no.274/TT along with record.

ORDER

Accused-applicant has approached this Court with first application for grant of regular bail in afore referred FIR and is presently

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in custody since 12.03.2025.

2. The very substance of the application being that applicant/accused had been falsely implicated in this case. He is innocent and has never committed any offence. No recovery had been effected from the accused-applicant. He had nothing to do with the alleged crime.

3. Pursuant to the notice to the State, the learned Addl. Public Prosecutor for the State contested the claim of the applicant on the ground that the applicant/accused is culpable under the stringent provisions of Narcotic Drugs and Psychotropic Substances Act, 1985 and consequently should be denied the concession of bail.

4 Record was produced. Examination of the same shows that recovery of 05 grams of Heroin had been statedly effected from the possession of co-accused and 15 grams of Heroin was recovered from the possession of accused/applicant Dharambir Singh. Till date report of the chemical examiner has not been received.

5 Having traversed through the fundamental aspects relevant for the determination of the application at hand, the Court at this juncture is cognizant of judgment passed by Hon'ble Punjab and Haryana High Court titled as ***Inderjit Singh @ Laadi and others versus State of Punjab*** reported in 2014(3) Recent Criminal Reports 953. It has been held in paragraph number 54 that the Presiding Officer of Special Court dealing with the NDPS Act cases, whenever need is felt and where the matter is being unnecessarily delayed, may grant interim bail till the receipt of the Chemical Examiner report and thereafter, may consider the case after the receipt of report.

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6. As the version of the prosecution goes, the applicant-accused was arrested essentially under section 21 (b) of the NDPS Act. The accused-applicant was arrested on 12.03.2025 and since then he is in custody.

7. Needless to say, in such a peculiar scenario, the exact nature of the recovered substance from the possession of accused can be determined in definitive terms only on the receipt of the report of the Chemical Examiner which is still awaited so far. Till the report is received, the claim of the investigating agency of having recovered banned narcotic/psychotropic or any other substance under the Narcotic Drugs and Psychotropic Substances Act 1985 remains more of an assumption with missing element of certainty. The recovery of 15 grams of heroin falls within intermediate quantity, even if the version of the prosecution is to be taken as axiomatic.

8. Hence in the peculiar circumstances, the applicant-accused is ordered to be released on *interim bail* till the presentation of challan/report of Chemical Examiner, on his furnishing bail bonds in the sum of Rs.50,000/- with one surety of the like amount subject to the following conditions:

1. *That he shall attend the Court on each and every date of hearing;*
2. *That he shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected;*
3. *That he shall not directly or indirectly make an inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence; and*
4. *That he shall not leave the country without prior permission of Court.*

It is further clarified that this order shall remain operative subject to

the receipt of report from chemical examination about the examination and nature of contents of the narcotic/psychotropic/intoxicating substance recovered from the possession of the accused and in case the same happens to be commercial quantity, the order of interim bail shall be deemed to have become inoperative/defunct forthwith.

Papers be annexed with the main bail application/challan/record. Bail bonds not furnished. Bail application file be attached with the main file/consigned to the record room.

***Pronounced:
Dated 15.04.2025***

Rahul Sharma (Steno)

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