

PBGD010050502025



Presented on : 17-05-2025

Registered on : 17-05-2025

Date of order : 20.05.2025

Pending for : 27.05.2025

**IN THE COURT OF
JUDGE SPECIAL COURT
AT ,Gurdaspur
(Presided Over by Sh. Raman Goklaney)**

BA/2156/2025

Gobinda son of Bachan resident of Village Sekha, PS Dorangla, Tehsil
and District Gurdaspur.

...Applicant/accused.

Versus

State of Punjab.

...Respondent.

**First Application for bail U/s 482 of Bharatiya Nagarik Suraksha
Sanhita, 2023 for grant of anticipatory bail.**

FIR No. 104 dated 07.05.2025.

Under Sections 21, 27-A & 29 of Narcotic Drugs &
Psychotropic Substances Act, 1985.

Police Station : City Gurdaspur.

Present : Ms. Kiran Prabha Advocate, for applicant/accused.
Sh.Amit Singh, Aulakh, Additional Public Prosecutor for State.

O R D E R:-

Apprehending arrest, accused-applicant has filed anticipatory
bail application preferred under Section 482 of Bharatiya Nagarik
Suraksha Sanhita, 2023 in case FIR No. 104 dated 07.05.2025 under
Sections 21, 27-A and 29 of Narcotic Drugs & Psychotropic Substances
Act, 1985, registered at Police Station City Gurdaspur, District Gurdaspur.

Raman Goklaney,
Judge, Special Court/Gurdaspur.
Dated : 20.05.2025.

2. The facts, in brief, necessary for disposal/consideration of the present bail application are that 09 grams of Heroin recovered from Asham and Rs. 13200/- allegedly drug money recovered from his associate Navjot falling within the jurisdiction of PS City Gurdaspur. It is the case of Investigating Agency that on their disclosure Gobinda/applicant nominated in the FIR in question. Investigation of the case is still going on.

3. Mr. Kiran Prabha, learned counsel for the accused-applicant and Sh. Amit Singh Aulakh,, Learned Addl.P.P. for the State heard. Record perused. After hearing the rival contentions of the parties and from the perusal of the record, it emerges out that accusation against the accused-applicant are in respect of Section 29 of NDPS Act. Till this stage of investigation, the Investigating Agency has not been able to collect any call details record or bank transaction interse apprehended accused and present accused-applicant. In the recent judgment passed by Hon'ble Apex Court in case titled '**Vijay Singh Versus The State of Haryana, bearing Special Leave to Appeal (Crl.) No(s),1266/2023** decided on 17.05.2023, which is reproduced as under :-

“ The petitioner is alleged to have committed offences under Sections 15 and 29 of the Narcotic Drugs and Psychotropic Substances act, 1985(hereinafter called the NDPS Act”). His application for anticipatory bail was rejected by the High Court. The allegations in the FIR are that 1.7 Kg of Poppy Straw (Doda Post) was recovered from the co-accused. The petitioner

concededly was not present at the spot but was named by the co-accused. That apart there is no other material to implicate the petitioner. The prosecution urges that another case with allegations of commission of offence under the NDPS Act are pending against the petitioner. It is not denied that in those proceedings he was granted bail. Having regard to these circumstances, the petitioner is directed to the enlarged on anticipatory bail, subject to such terms and conditions as the trial Court may impose and the petition is allowed”.

4. So, in view of the discussion made above, and on account of the fact that present accused-applicant has been nominated on the basis of disclosure made by co-accused while in custody custodial interrogation of the applicant/accused at this stage appears to be not imminent. As such, without commenting upon the merits of the case and in order to facilitate the fair investigation, applicant/accused is directed to join the investigation and in the event of doing so, he shall be released on interim bail to the satisfaction of Arresting Officer/Investigating Officer and applicant is directed to cooperate in the investigation, subject to the following conditions:

- i. That the applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the present case, so as to dissuade him from disclosing such facts to the investigator during the course of investigation and after presentment of challan to the court.
- ii. That the applicant will join the investigation/enquiry as and when called by the investigating officer.

iii. That the applicant shall not leave the country without prior permission of the Court. Applicant shall furnish the details of passport, if any and in case he is not holder of the same, he shall furnish affidavit to that effect.

iv. The accused/applicant shall furnish/submit 'Address Form' before the investigator, mentioning his ordinary place of residence and mobile number (s), which shall be used by him till the pendency of the case and would furnish undertaking that in case of change of place of residence/mobile number, he shall share the details with the investigator or with the trial court as the case may be.

5. It is made clear that observation made herein above shall not construed as an expression on the merits of the main case. Now to come up on 27.05.2025 for awaiting report from concerned police station as to whether applicant has joined the investigation or not.

Date of order:- 20.05.2025.

Iqbal Singh, Stenographer-I

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

Raman Goklaney,
Judge, Special Court/Gurdaspur.
Dated : 20.05.2025.