

Kishore versus State of Punjab

Present: Sh. Uttam Raj Sharma, Advocate, Id. Counsel for bail applicant/accused Kishore.
Sh. Tejinder Pal, Ld. Additional Public Prosecutor for State along with ASI Sukhdev Singh No. 1673/ASR Police Station Dhariwal.

ORDER

1. This order of mine shall dispose of an application filed by bail applicant/accused Kishore son of Sudesh Masih, resident of village Fateh Nangal, Dhariwal, Tehsil and District Gurdaspur, under Section 483 of BNSS for regular bail.
2. FIR No. 49 dated 03.04.2026 under Section 22 of NDPS Act (Section 29 of NDPS Act was added vide Rapt No.22 dated 04.04.2026) was registered at Police Station Dhariwal on the ground that accused Kishore was arrested on 03.04.2026 by the police party of Police Station Dhariwal and 100 intoxicant tablets have been recovered from his possession. During investigation, one accused Rohit was also nominated in this case on the basis of disclosure statement of accused Kishore.
3. Learned Additional Public Prosecutor has put in appearance on behalf of State. ASI Sukhdev Singh No. 1673/ASR Police Station Dhariwal has produced police record and his statement has been recorded regarding stage of investigation.
4. Allegations against the bail applicant/accused Kishore are that he was arrested in this case on 03.04.2026 and 100 intoxicant tablets have been recovered from his possession. Statement of ASI Sukhdev Singh No.1673/ASR Police Station Dhariwal has been recorded regarding stage of investigation. Co-accused Rohit has already been arrested on 04.04.2026. FSL report is yet to be received. Bail applicant/accused Kishore is not involved in any other case as per statement of ASI Sukhdev Singh. Previous history of bail applicant/accused Kishore is clear. Bail applicant/accused Kishore has spent sufficient time behind bars since 03.04.2026. On the asking of the Court, learned Additional Public Prosecutor has submitted the report of Forensic Science Laboratory is not likely to be received in the near future and considering this fact coupled with the sufficient custody of the accused *viz-a-viz* completion of investigation and conclusion of trial would take considerable time and as such, bail applicant can not be kept in custody for an indefinite period.

Also, in **Inderjit Singh @ Laddy Vs. State of Punjab, 2014(3) RCR (Criminal) 953**, it has been held by our own Hon'ble High Court that the Presiding Officer of a Special Court dealing with NDPS cases wherever the need is felt and where the matter is being unnecessarily delayed, may grant interim bail till the receipt of the Forensic Science Laboratory report and thereafter, consider the case after the receipt of report. In the present case the applicant has already undergone sufficient custody and no useful purpose would be served to keep him behind bars any more. Besides it, bail is rule and jail is exception. A request made by the learned counsel for the bail applicant/accused to release the applicant on interim bail. Therefore, considering the facts and circumstances of the present case and without commenting upon the merits of the case at this stage, bail applicant is ordered to be released on interim bail till the receipt of report of Forensic Science Laboratory on furnishing bail bonds in the sum of Rs.50,000/- with one surety of the like amount to the satisfaction of learned Ilaqa/Duty Magistrate subject to the following conditions:-

- i. That in case the recovered quantity comes within the ambit of commercial quantity, then the interim bail granted vide this order stands cancelled in view of the bar created under Section 37 of NDPS Act.
- ii. That applicant-accused shall not indulge in any activity similar to the activities on the basis of which aforesaid criminal case stood registered against him for the offences under the NDPS Act.
- iii. That applicant-accused shall not undertake any action which is prejudicial to proceedings during the course of trial.
- iv. That applicant-accused shall attend all the dates during the trial unless prevented by any reasonable cause.
- v. That applicant-accused neither personally nor through anyone make any attempt to influence the witnesses or tamper with the evidence.
- vi. That applicant-accused shall not leave India without the prior permission of the Court.

5. However, it is made clear that observations made herein above shall not be construed as an expression on the merits of the main case. Copy of this order be sent to the learned Ilaqa Magistrate as well as Superintendent, Central Jail, Gurdaspur for information. Police record be returned and bail application file be tagged with the remand papers.

Pronounced
07.05.2026.
Rajeev Gupta, Stenographer-1

(Ranjeev Pal Singh Cheema),
Judge, Special Court,
Gurdaspur(UID No. PB0294)