

In the court of Sardar Harjeet Singh, Judge, Special Court,  
Moga. (UID No.PB0131)

CIS No.BA/2266/2024  
CNR No.PBMO010057862024  
Date of Order :- 8.10.2024

State of Punjab

Versus

Kulwant Singh son of Baldev Singh son of Jit Singh, resident of Meenia,  
District Moga.

....Accused/Applicant

FIR No.67 dated 4.09.2024,  
Under Section :- 21/61/85 of NDPS Act and  
25 of Arms Act  
Police Station :- Mehna.

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Bail Application under Section 483 BNSS

Present :- Shri Sukhdev Singh, Additional Public Prosecutor for the State  
Shri Lovelesh Gupta, Advocate for accused/applicant.

**ORDER**

Vide this order, I intend to dispose of bail application under Section  
483 BNSS filed by applicant/accused in the FIR mentioned above.

Police record was summoned and received.

Learned counsel for accused/applicant has argued that accused/  
applicant has been falsely implicated in the case in hand. Applicant/accused is  
in judicial custody since 4.09.2024. Moreover, alleged recovery shown to be  
effected from accused/accused does not fall under commercial category.  
Presentation of challan and completion of trial will take long time and prayed  
that applicant/accused be released on bail.

On the other hand, learned Additional Public Prosecutor for the  
State argued that case has been registered on the basis of true facts.

I have considered the submissions of learned counsel for the accused/ applicant and learned Additional Public Prosecutor for the State.

Perusal of record shows that present FIR was registered by the police on the allegations that on 4.09.2024, police party headed by ASI Daljit Singh in connection with patrolling and checking of suspected persons were going from Police Station Mehna. At about 8.00 p.m., when police party reached Bughipura Chowk to Barnala Road Main Highway on link road, a white colored Scorpio bearing No.PB-11/CZ-9361 was found standing in suspicious condition. Two persons were sitting in the said vehicle. Person sitting on the driver seat was searching something in the transparent envelope whereas person sitting on the conductor seat was having pistol in his dub. They were apprehended. On asking person sitting on the driver seat disclosed his name as Kulwant Singh son of Baldev Singh son of Jit Singh, resident of Meenia, Police Station Badhni Kalan whereas person sitting on conductor seat, disclosed his name as Sukhvir Singh @ Battery son of Gursewak Singh son of Sardara Singh, resident of Village Kussa, Badhni Kalan. On search of envelope carried by Kulwant Singh, 30 grams heroin was recovered. While from the search of accused Sukhvir Singh, one country made pistol having six live cartridges of 7.65 mm were recovered. Then, FIR was lodged.

Alleged recovery of 30 grams effected from conscious possession of the accused/applicant, does not fall under commercial quantity. A country made pistol having six live cartridges of 7.65 mm were recovered from conscious possession of co-accused. Applicant/accused is in custody since 4.09.2024. Presentation of challan and completion of trial will take a lot of time. No useful purpose would be served by detaining the accused/applicant behind

bars for an indefinite period. Culpability of applicant/accused shall be gauged during the course of trial. Without much commenting upon merits of the case, bail application is allowed and applicant/accused is ordered to be released on bail on furnishing his personal bonds in the sum of ₹ 50,000/- with one surety in the like amount with following conditions :-

- (i) that applicant shall not leave the country without prior permission of the Court;
- (ii) that he shall appear in each and every date of hearing;
- (iii) that he shall not tamper with the prosecution evidence or shall not threat any prosecution witness.

Papers be attached with relevant record.

Pronounced.  
08.10.2024.  
*(Jagjit Singh Panesar, Stenographer-I)*

(Harjeet Singh)  
Judge, Special Court,  
Moga. **(UID No.PB0131)**