

**IN THE COURT OF RAVI GULATI
JUDGE, SPECIAL COURT, GURDASPUR**

CIS No: BA-1971-2026

CNR No: PBGD010047012026

Date of Order:22.04.2026

PBGD010047012026



Raghubir Kumar son of Ram Pal, Resident of Murgi Mohalla, P.S.
Civil Lines Batala, District Gurdaspur.

.....Accused/Applicant.

Versus

State of Punjab

.....Respondent.

FIR No.152 dated 23.05.2025**Under Sections 21/27-A/29 of NDPS Act****Police Station: Civil Lines Batala**

Second Application for Bail under Section 483 BNSS

Present: Sh. Kewal Singh Saini, Deputy Chief Legal Aid Defence
counsel for accused/applicant.
Sh. Atul, APP for the State.

ORDER

Present bail application has been filed by
accused/applicant Raghubir Kumar son of Ram Pal seeking regular
bail under section 483 BNSS. Accused/applicant has filed his
affidavit duly attested by Additional Superintendent, Central Jail,
Gurdaspur that this is his second bail application under section 483
BNSS. Ahlmad of this Court has also reported that this is the second
bail application filed by accused/applicant under section 483 of
BNSS and his first bail application under section 483 of BNSS was
dismissed. Ahlmad also reported the same.

2. Upon notice, learned APP for the State put in appearance and contested the bail application. Police record has also been requisitioned. Constable Jagpreet Singh, no.1609/Batala, P.S. Civil Lines Batala has appeared along with record and suffered statement that no other bail application of accused/applicant is pending in any other court in this FIR. He further stated that total recovery in this case is 06 gram heroin and Rs.1000/- drug money and offence under section 29 of NDPS Act was also added in this FIR.

3. Learned counsel for the accused/applicant submitted that the accused/applicant is innocent and has been falsely implicated in the present case as nothing was recovered from him and the alleged recovery if any is planted one. He further argued that alleged recovery in this case is of 06 gram heroin and Rs.1000/- recovered along with the same cannot be treated as drug money in view of the latest judgment dated 14.11.2025 passed by Hon'ble Punjab and Haryana High Court in **Sukhchain Masih alias Lalla vs. State of Punjab CRM-M-54246 of 2025** and **Amit Sharma alias Veeru vs. State of Punjab CRM-M-52685 of 2025** on the point that such a meager amount cannot be termed as drug money. He further submitted that accused/applicant is in custody since 23.05.2025 and even challan has not been presented so far. Thus, he prayed that accused/applicant be granted regular bail at this stage in view of the

judgments cited above even if his first bail application was dismissed earlier.

4. On the other hand, learned APP for the State has opposed the bail application on the grounds that he was found in possession of 06 gram heroin along with drug money of Rs.1000/- which he earned by sale of heroin to other addicts. Thus he prayed for dismissal of the present bail application on the grounds that he is drug peddler and he used to sell heroin to different addicts.

5. After hearing learned counsel for the accused/applicant, learned APP for the State and after going through the record, this court finds out that the present FIR was registered against present accused/applicant Raghubir Kumar at P.S. Civil Lines Batala when its police party apprehended him on the basis of suspicion when he tried to throw away one polythene pouch after taking it out from his capri on seeing the police party. Thereafter upon checking the said polythene pouch, 06 gram heroin was recovered from the same and from his further search, Rs.1000/- were recovered. He disclosed that he had earned said amount by selling heroin to other addicts. He was accordingly arrested and Section 27-A of NDPS Act was also invoked against him on the allegations that he is drug peddler.

6. As per record, his first bail application was dismissed on the grounds that section 27-A NDPS Act was involved. However

admittedly investigation has not been completed so far and till today there is no evidence collected on behalf of the prosecution to prima facie establish that aforesaid amount of Rs.1000/- was drug money. There is no evidence regarding finding trial of such money or about the person who had allegedly purchased heroin from the accused/applicant. In the backdrop of these facts, this Court finds that so far as recovery of contraband is concerned, it is of merely 06 gram of heroin which is just above small quantity. As per the judgment relied upon by learned counsel for accused/applicant in **Sukhchain Masih (supra)** and **Amit Sharma (supra)**, the Hon'ble Punjab and Haryana High Court has dealt with the proposition regarding recovery of some currency notes along with the contraband and has held therein that "Drug Money" is a broad concept encompassing all traceable cash, property, or assets, including property of substituted or equivalent value derived from NDPS offences and that section 27-A and 2(viii b) of NDPS Act nowhere directly or indirectly mentions any cash found along with contraband as "Drug Money" or proceeds of "Drug Sale". It has further been observed by Hon'ble High Court in the said recent judgment that finance of illicit traffic within the meaning of section 27-A of NDPS Act connotes drug peddling on regular and continuous basis, different from illicit sale/purchase of contraband items. Therefore on these principles, the Hon'ble High

Court granted bail in the said case while holding that mere possession of money or currency notes of meager amount, does not per se fall within the ambit of any prohibited act under NDPS Act.

7. Now coming back to the present case, there is alleged recovery of 06 gram heroin and Rs.1000/- termed as drug money. However there is nothing to suggest that such amount was the drug money used for financing illicit trafficking of contraband. Therefore in view of the aforesaid latest judgment of Hon'ble Punjab and Haryana High Court and considering the quantity of heroin recovered which is 06 gram and the fact that accused/applicant is in custody since 23.05.2025, the present bail application is hereby allowed and accused/applicant is admitted to regular bail on his furnishing bail bonds in the sum of Rs.25,000/- with one surety of the like amount which may also be in the form of FDR and subject to the following conditions in the court of **Ilaqa/Duty Magistrate** to his/her own satisfaction:-

- i That he shall attend the court regularly;
- ii That he shall not hinder the ongoing investigation/trial;
- iii That he shall not leave the country without prior permission of the Court;
- iv That he shall not directly or indirectly make any inducement, threat or promise to any person acquainted

with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence;

- v. That he shall not commit an offence similar to the offence of which he is accused or suspected.

The concerned Magistrate would send the requisite bonds after issuing the release warrants to this court immediately. However, the observations made hereinabove shall have no effect on the merits of the main case. Police record be returned and record of the present bail application be attached with remand papers.

Pronounced
Dated:22.04.2026
Ravinder Singh

(Ravi Gulati)
Judge Special Court,
Gurdaspur (UID No.PB0242)

CNR No: PBGD010047012026

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Present: Sh. Kewal Singh Saini, Deputy Chief Legal Aid Defence
counsel for accused/applicant.
Sh. Atul, APP for the State.

Police record produced and perused. Arguments heard.

Vide my separate detailed order of even date, the present bail
application has been allowed. Police record be returned. Bail
application file be consigned to the record room.

Pronounced
Dated:22.04.2026
Ravinder Singh

(Ravi Gulati)
Judge Special Court,
Gurdaspur (UID No.PB0242)