

**IN THE COURT OF JATINDER PAL SINGH,
JUDGE, SPECIAL COURT,
BATHINDA.**

CIS No. BA-1863-2025

CNR No : PBBT01-005653-2025

Order dated : 02.06.2025

State Versus

Navdeep Singh @ Navi son of Bhoga
Singh resident of Ramu Ki Patti, Mandi
Kalan, Tehsil Phul, District Bathinda.

..... Applicant.

FIR No. 22 dated 21.04.2025

Under Section : 22 of NDPS Act

Police Station Balianwali, District Bathinda

Bail application under Section 483 of BNSS, 2023

Present : Sh. Pardeep Singh Khiwa, counsel for the applicant.
 Sh. Inderpal Singh, Addl. PP for the State.

O R D E R :

1. This order will dispose of instant bail application under section 483 of BNSS, moved on behalf of applicant/accused, in aforesaid FIR. Statement of SI Baljeet Singh, has already been recorded.
2. Notice of the bail application was given to the State and concerned police record was also summoned. No reply to the bail application was filed on behalf of State. However, the bail application has been verbally opposed by learned Addl.PP for the State.
3. Learned counsel for applicant argued that the applicant/accused is innocent and has been falsely implicated in this case. Nothing was recovered from his possession and the alleged recovery of contraband has been planted upon him. He has not committed any offence and the allegations raised by the prosecution are false and concocted one. He was arrested on 21.04.2025 and since then, he is in custody and is no more required for further investigation. The alleged recovery of contraband is non-commercial in

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nature and the presentation of challan is likely to take considerable time. So, he be released on bail.

4. On the other hand, Learned Addl.PP for the State submitted that accused has committed a heinous offence under NDPS Act and thus, his bail application may be dismissed.
5. I have heard learned counsel for the applicant/accused as well as learned Addl.PP for the State and have perused the record. The prosecution version, is that on 21.04.2025, a police party headed by SI Baljeet Singh, apprehended applicant/accused Navdeep Singh @ Navi, while in possession of 40 loose intoxicant tablets, without any valid permit or licence.
6. Learned Addl. PP for the State has submitted that chemical examiner's report is yet to be received. This court is of the opinion that since, the report of Chemical Examiner qua the contents of the contraband recovered from the accused has not been received, therefore, there is specific observation of Hon'ble Punjab and Haryana High Court in **Inderjit Singh @ Laddy vs State of Punjab 2014(3)-RCR (Criminal)-page 952**, wherein the Hon'ble High Court has held that if matter is being unnecessarily delayed due to non-receipt of FSL Report, Special Court may release applicant-accused on interim bail till receipt of report of chemical examiner.
7. As per statement of ASI Charanjeet Sharma, the applicant/accused is not involved in any case of commercial quantity of contraband.

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8. As per record, the applicant/accused is in custody since 21.04.2025, so, until the report of FSL is received, it cannot be ascertained as to whether the recovery of substance effected from applicant falls within the schedule of NDPS Act or not and if the same is covered under NDPS Act, whether the recovery falls within the ambit of commercial or non-commercial category.
9. The receipt of report of FSL and conclusion of investigation is likely to take considerable time, so no useful purpose would be served by keeping the accused in custody for an indefinite period. Consequently, without expressing opinion upon the merits of the case, in the light of above discussed law, applicant-accused is ordered to be released on **interim bail** till the receipt of report of FSL, on his furnishing personal bond in the sum of Rs.50,000/- with one surety of like amount to the satisfaction of this Court/Duty Officer, subject to following conditions:
- a. That applicant will not tamper with the prosecution evidence and will not offer any threat, promise or inducement, directly or indirectly to any of the person acquainted with the facts of the case, dissuading him from disclosing the same to the court/investigating agency;
 - b. That accused/applicant will not leave the limits of India without prior permission of the court; and
 - c. That accused/applicant will appear on each and every date of hearing, subject to the order of exemption, otherwise, trial court is at liberty to cancel the bail order.
10. It is hereby made clear that on receipt of report of Chemical Examiner, in case the salt of the recovered contraband, is found to be falling within the ambit of commercial quantity, then this bail order would stand cancelled automatically and the applicant/accused would surrender before the Court, without any delay.

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11. Bail bonds and surety bonds not furnished. File be attached with the remand papers concerned. Police record be returned forthwith.

Pronounced in the open Court:
Date of Order : 02.06.2025

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Suraj Mohan SG-I.

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