

IN THE COURT OF RAMAN GOKLANEY, JUDGE, SPECIAL COURT, GURDASPUR

CIS No: BA-1718-2026

CNR No: PBGD01-004099-2026

Date of Order: 07.04.2026

Kulwinder Singh son of Hardev Singh, resident of Navi Abadi, Umarpura, Police Station Civil Lines, Batala, Tehsil, Batala, District Gurdaspur.

.....Applicant/Accused.

Versus

State of Punjab

.....Respondent.

Ist Application for bail U/s 483 Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail.

FIR No: 47 dated 05.03.2026

U/s: 22 of NDPS Act

Police Station: City Batala

Present: Ms. Bindu, Advocate counsel for the accused-applicant.
Sh. Amit Singh Aulakh, Addl. Public Prosecutor for State.

ORDER: -

1. This order would dispose of the first bail application filed under the provisions of Section 483 BNSS, 2023 for regular bail, in connection with FIR No. 47 dated 05.03.2026 under Section 22 of NDPS Act, registered at Police Station City Batala, Police District Batala, District Gurdaspur.
2. The facts in brief necessary for disposal/consideration of the present bail application are that on 05.03.2026, the police party headed by SI Sukhdev Singh was patrolling in the jurisdiction of Police Station City Batala, Police District Batala, District Gurdaspur. When the police party reached in the area of slight ahead of the old Ice Factory, then one young man, later identified

as Kulwinder Singh was noticed by the police party in suspicious movement. The said young man was apprehended by the police party. It is the case of the investigator that after following due procedure of search and seizure, 52 intoxicant tablets along were recovered from the possession of Kulwinder Singh.

3. Ms. Bindu, Advocate, counsel for the accused/applicant and Sh. Amit Singh Aulakh, learned Addl.P.P on behalf of the State heard. Record perused. During the course of hearing, it has been apprised to the Court that accused/applicant is involved in one other case under NDPS Act. Per contra, learned counsel representing accused/applicant submitted that accused/applicant is not a prior convict. It has been apprised to the court that chemical examiner report has not been received so far.
4. After hearing the rival contentions of the parties and from the perusal of the record, it emerges out that as per the case of the prosecution, 52 intoxicant tablets recovered from the possession of the accused-applicant. He has been in custody since 05.03.2026. Forensic Science Laboratory report has not been received so far. It could be ascertained only after the receipt of Chemical Examiner Report has not received so far and it could be ascertain only after the receipt of chemical examiner report as to whether the ingredient found in 52 intoxicant tablets would fall under commercial quantity or non commercial quantity and the said categorization of the recovery under NDPS Act is one of the important consideration for granting or refusing the bail to the accused on account of Section

37 of NDPS Act. Accordingly, in view of the judgment passed 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 applicants have already undergone sufficient custody and no useful purpose would be served to keep them behind bars any more sans chemical analysis report.

5. In view of the foregoing discussion, the bail application is hereby allowed. The accused/applicant is granted bail upon furnishing bail bonds/surety bonds in the sum of Rs. 50,000/- with one surety of the like amount. In case, the accused/applicant unable to provide immovable property as security of the surety, the bail bonds/surety bonds may alternatively be furnished in the form of auto renewal Fixed Deposit Receipts (FDR) amounting to Rs. 20,000/- (Twenty Thousand) in the name of the surety from a nationalized or scheduled bank, with the original FDR to be deposited with the Court. Appropriate communication shall be made to the concerned revenue authority or bank to record the furnishing of bail bonds/surety bonds by the surety in their official records.
6. It is directed that the bail bonds/surety bonds shall be submitted before the concerned learned Illaqa Magistrate/Duty Magistrate.

Upon satisfaction and attestation of the bonds/sureties, the learned Judicial Magistrate shall issue the necessary release warrants to the concerned Jail Superintendent. Thereafter, the attested bail bonds/surety bonds along with the pertinent documents shall be forwarded to this Court along with copy of communication made to the concerned revenue authority or bank (as the case may be).

Conditions:

- i. The affidavit filed by the surety shall include his full current address along with mobile and WhatsApp contact numbers and an undertaking to immediately intimate the trial court in case of any change of address or phone number/mobile number. Furthermore, the surety shall expressly undertake in the affidavit not to withdraw, break, or prematurely encash the Fixed Deposit Receipt (in case surety bonds backed by FDR) until the final disposal of the case. It shall also be stipulated that the FDR shall be maintained as an auto-renewal fixed deposit throughout the pendency of the case and the surety shall produce evidence of such auto-renewal before the Court as and when required. If the surety provides immovable property as security, the affidavit must contain an undertaking that he shall not dispose, transfer, or create any further charge or encumbrance on the said property during the pendency of the case without prior permission of the trial court.

Following conditions shall applied to the accused/applicant:

- ii. The accused/applicant shall abstain from any activity constituting an offence under the Narcotic Drugs and Psychotropic Substances Act (NDPS Act).
- iii. The accused/applicant shall refrain from any acts prejudicial to the trial proceedings.
- iv. The accused/applicant shall attend all trial dates without fail, except when prevented by reasonable cause with due intimation to the trial court.
- v. The accused/applicant shall not, directly or indirectly, attempt to influence witnesses or tamper with evidence.
- vi. The accused/applicant shall not leave the country without the prior permission of this Court.
- vii. The grant of bail is conditional upon the accused/applicant's diligent participation in the trial, including timely cross-examination of witnesses and strict adherence to the Court's schedule; any deliberate delay or obstruction may lead to

cancellation of bail and accused in that scenario would be remanded to judicial custody.

7. It is clarified that the observations made herein above shall not be construed as an expression on the merits of the main case. The bail application file shall be tagged with the main case file.
8. A copy of this order shall be transmitted forthwith to the concerned learned Illaqa Magistrate. It is further observed that the learned Illaqa Magistrate/Duty Magistrate may consider the copy of this order as uploaded on the CIS/Official E-courts website as a genuine copy and shall not insist upon a certified copy for the purpose of furnishing bail/surety bonds.

Date of order: - 07.04.2026

Gurpreet Singh Stenographer Gr-II

(Raman Goklaney)

(UID No. PB-0687)

**Judge, Special Court,
Gurdaspur.**