

**IN THE COURT OF BISHAN SAROOP,  
JUDGE, SPECIAL COURT, MOGA (UID No.PB00449).**

CNR No.PBMO010003842025

CIS Filing No.BA/164/2025

Date of order : 07.02.2025

State

Versus

Harmandeep Singh son of Harpreet Singh resident of Patti Baloke, Khadur Sahib, PO Goindwal Sahib, District Tarantarn.

---Accused-applicant

FIR No.274 dated 31.12.2024,  
Under Sections :- 18/61/85 of NDPS Act,  
Police Station :- City Moga.

**Bail Application under Section 483 of B.N.S.S**

Present :- Sh. Honey Bansal Advocate, for accused-applicant.  
Ms. Gunwantjit Manesh, Addl. Public Prosecutor for State.

**ORDER**

Vide this order I shall dispose of the bail application under section 483 of B.N.S.S by accused/applicant. Record received.

2. In pursuance of the notice of the application having been issued, learned Addl. Public Prosecutor for the State has put in appearance.

3. Tersely put, case of prosecution is that on 31.12.2024, ASI Sukhwinder Parsad along with other police officials were present at Kotkapura Bypass, G.T.Road Moga-Ludhiana, in connection with patrolling, where he received secret information that Deshdeep Singh alias Prince and Harmandeep Singh are habitual of selling the opium. On that day, they are standing near Katcha Dosanjh Road, opposite T-point on a motorcycle No.PB-63D=3684 and waiting for clients and if raid be conducted, they can be apprehended along with opium. Information was reliable and trustworthy. Then ASI Sukhwinder Singh conducted the raid at the disclosed place and accused/applicant alongwith his co-accused Deshdeep Singh were apprehended and on seeing the police party,

accused/applicant had thrown away one plastic envelop on the earth. Upon checking of same, it was found to be containing 1 Kg of Opium.

4. Learned counsel for the accused/applicant contended that applicant/accused is quite innocent and he has been falsely implicated in the present case. He has further submitted that applicant/accused has not committed any offence as alleged. He has further submitted that alleged recovery effected from the accused/applicant falls in the non commercial category. He has further submitted that applicant/accused is in custody since the date of his arrest. As per alleged allegation of prosecution no offence against the accused/applicant has been made out. Accused/ applicant undertake to abide by the directions issued by this Court. He lastly prayed that accused/applicant may kindly be released on bail.

5. Per contra, learned Additional Public Prosecutor for the State has hotly opposed the submissions of learned counsel for the applicant. He further contended that if the accused will be released on bail, then he will tamper the evidence and as such, he is not entitled for regular bail and present application be dismissed.

6. After hearing rivals contentions raised by learned counsel for the applicant and learned Addl. PP for the State, I have gone through the record very carefully.

7. Having heard the contentions of rival parties and without expressing any opinion on the merits of the case, I am of the view that the contention of learned counsel for the applicant that the applicant has been falsely implicated in the present case, is debatable point. Recovery of 1 Kg of Heroin has already been effected from accused/applicant which falls within the non commercial quantity. Now, nothing is to be recovered from the accused/applicant. The challan has not been presented. Since, the accused/applicant is in custody since 31.12.2024 and in view of the fact that the applicant has already spent considerable time in pre-trial custody, and the fact that the conclusion of trial may take reasonable time to decide, so no useful purpose shall be served by keeping the accused-applicant in custody any longer. Moreover, the applicant-accused is a burden on the

public exchequer, as no work can be taken from them in the jail, under rules. Hence, the present application succeeds and the same is allowed, and the applicant/accused is ordered to be released on bail on furnishing bail bonds in the sum of Rs.50,000/- with one surety in the like sum, to the satisfaction of this Court with the following directions:-

1. That the applicant will not tamper with the prosecution evidence.
2. That the applicant will appear before the Court on each and every date of hearing.
3. That the applicant will not leave country without prior permission of court.

8. It is further made clear that in case of any violation thereof, this order shall cease to have effect qua the same. Bail application file be attached with the remand papers.

Pronounced.

Dated :- 07.02.2025

Sunny Stenographer-II

**(Bishan Saroop)**

**Judge, Special Court,**

**Moga (UID No.PB00449).**

Present :- Sh. Honey Bansal Advocate, for accused-applicant.  
Ms. Gunwantjit Manesh, Addl. Public Prosecutor for State.

Record received. Arguments heard. Vide my separate detailed order of even date, present bail application has been allowed. Bail application file be attached with the remand papers.

Pronounced.  
Dated :- 07.02.2025  
Sunny Stenographer-II

**(Bishan Saroop)**  
**Judge, Special Court,**  
**Moga (UID No.PB00449).**