

State Vs. Kalu Singh

(1)

**IN THE COURT OF SHRI MANJINDER SINGH
JUDGE, SPECIAL COURT, MANSA
(UID NO.PB0064)**

PBMN010038402025



BA/1421/2025

Presented on : 20-08-2025

Registered on : 20-08-2025

Decided on : 29.09.2025

State of Punjab

Versus

Kalu Singh, aged about 25 years, son of Raju Singh, resident of Ward No.13, Bareta, Tehsil Budhlada, District Mansa, now in District Jail, Mansa.

--- Applicant-accused

Bail application under Section 483 of the
Bharatiya Nagarik Suraksha Sanhita, 2023.

FIR No.84 dated 28.07.2025,
under Sections 22, 27, 61, 85 of NDPS Act,
Police Station, Bareta, District Mansa.

Present: Ms.Rajwinder Kaur, Advocate, counsel for applicant-
accused.

Shri Jasvir Singh, Additional Public Prosecutor for the State.

ORDER

This order will dispose of bail application under Section 483
of BNSS moved by above named accused/applicant Kalu Singh, in case

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FIR No.84 dated 28.07.2025, under Sections 22 and 27 of Narcotic Drugs & Psychotropic Substances Act, 1985, Police Station, Bareta, District Mansa.

2. Upon notice, this application was contested by learned Additional Public Prosecutor for State.

3. I have heard learned counsel for the accused/applicant, learned Additional Public Prosecutor for State and have gone through the file very carefully with their able assistance.

4. Learned counsel for the applicant/accused has argued that accused/applicant has been falsely implicated in the present case. Alleged recovery has already been effected. Nothing is to be recovered from accused/applicant. Accused/applicant is in custody since 28.07.2025. The police has not complied with the mandatory provisions of NDPS Act. The report of RTFSL has been received and the contraband allegedly recovered from the accused falls within non commercial quantity and as such, this bail is not hit by section 37 of NDPS Act. Challan has already been presented in the Court and it will take sufficient time for completion of trial. No useful purpose will be served by detaining the accused indefinitely in the judicial custody except burden on the State exchequer. Hence, it is prayed that bail application may kindly be allowed.

5. On the other hand, Additional Public Prosecutor for the State submitted that on 28.07.2025, applicant/accused was apprehended by the police on suspicion and from his conscious possession 30 intoxicant

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tablets in the shape of 3 strips, each strip containing 10 tablets, labelled as Alprazolam tablets IP Aldix-0.5 were recovered. On conducting dope test of accused, he was tested positive for Morphine and as such, offence under Section 27 of NDPS Act was added vide DDR No.32 dated 28.07.2025. The offence attributed to the accused/applicant is very serious in nature and no leniency is required in such like matters. Hence, prayed for dismissal of the bail application.

6. From perusal of police file, this Court finds that in this case on 28.07.2025, applicant/accused was apprehended by the police on suspicion and from his conscious possession 30 intoxicant tablets in the shape of 3 strips, each strip containing 10 tablets, labelled as Alprazolam tablets IP Aldix-0.5 were recovered. On conducting dope test of accused, he was tested positive for Morphine and as such, offence under Section 27 of NDPS Act was added vide DDR No.32 dated 28.07.2025. The report of RTFSL has been received showing the salt of the sample sent for chemical analysis being that of Alprazolam. Average weight has been shown as 158 mg per tablet, thus, total weight of salt in recovered tablets comes out to be 4.74 grams. The said salt has been shown at serial No.179 and quantity less than 5 grams has been shown as small quantity and quantity more than 100 grams has been shown as commercial quantity. It is a case which falls within the ambit of small quantity. As such this bail application is not hit by Section 37 of NDPS Act. The criminal liability if any against the accused can be determined after holding of regular trial.

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Applicant-accused is in custody since 28.07.2025. Challan has already been presented in the Court. It will take sufficient time for completion of trial. No useful purpose will be served by keeping the accused indefinitely in the judicial custody except burden on the state exchequer. Even the accused is not in a position to tamper with the prosecution evidence or to abscond from the court proceedings. As such, without commenting anything on the merits of the case, bail application is allowed and the applicant/accused is ordered to be released on bail on his furnishing bail bonds to the tune of Rs.25,000/- with one surety in the like amount to the satisfaction of trial Court with the condition that applicant/accused shall neither leave the country without prior permission of the Court nor he shall tamper with the witnesses of the prosecution; he shall appear before the trial Court on each and every date of hearing; and he shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected (as provided under Section 480(3) of BNSS). Bail application file be attached with the main challan pending in this Court.

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Sukhwinder Singh SG-II
(Directly dictated on computer)

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Present: Ms.Rajwinder Kaur, Advocate, counsel for applicant-accused.
Shri Jasvir Singh, Additional Public Prosecutor for the State.

Main challan file pending in this Court for 03.10.2025 has been produced. Learned counsel for the applicant/accused has moved an application for adding the offence under Section 27 of NDPS Act in the bail application, on the ground that initially the FIR was registered against the applicant/accused under Section 22 of NDPS Act, but the police has later on added the offence under Section 27 of NDPS Act vide DDR No.32 dated 28.07.2025. Heard. Keeping in view the submissions made by learned counsel for the applicant/accused and the averments made in the application, the prayer is allowed and Reader of this Court is directed to incorporate Section 27 of NDPS Act in the head-note of this bail application with red ink.

Arguments heard on the bail application. Vide my separate detailed order of even date, bail application is allowed, as stated therein. Police record be returned immediately. Bail application file be attached with the main challan pending in this Court.

Pronounced in open Court:
29.09.2025

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Judge, Special Court, Mansa
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Sukhwinder Singh SG-II