

Sabi @ Manga Vs. State of Punjab

**IN THE COURT OF P.S. KALEKA,
JUDGE SPECIAL COURT (DUTY), HOSHIARPUR.
(UID NO.PB-0253).**

CIS No. BA-1434-2025
CNR No:PBHO010043932025
Decided on: 10.06.2025

Sabi @ Manga aged about 31 years son of Kuldeep Singh, resident of Village Daburji, Amritsar at present resident of Ibrahimpur, P.S. Dasuya, District Hoshiarpur.

....Applicant

Versus

State of Punjab

....Respondent.

FIR No.62 dated 23.04.2025
Under Section 22/29-61-85 of ND&PS Act
Police Station Dasuya, Distt. Hoshiarpur.

**FIRST BAIL APPLICATION UNDER SECTION 483 OF THE
BHARATIYA NAGARIK SURAKSHA SANHITA, 2023.**

Present: Shri R.S. Abhi, Advocate for bail-applicant.
Shri Rahul Dadhwal, Ld. Addl. PP for the State.

ORDER:

This order of mine shall dispose of regular bail application filed by applicant Sabi @ Manga in the above said FIR.

2. Notice of bail application was issued to the State through Learned Additional Public Prosecutor of the State, who put in appearance. He hadn't

filed any reply to the bail application rather submitted that he will orally argue the matter.

3. A separate certificate was given by the I.O., forwarded by the Addl. PP for the State, declaring that no other bail application in the present case is pending in any other Superior Court. A similar report in this regard was made by the Ahlmad of the Court.

4. The learned counsel for the accused/applicant has vehemently contended that the accused/applicant is innocent and has been falsely implicated by the police. He further contended that the accused/applicant was not present at the time of registration of the present FIR and he has been nominated in the present case on the basis of disclosure statement of main accused. No recovery was effected from applicant/accused. The evidentiary value of the confessional statement suffered by the main accused subject matter to be seen at the time of merits. The accused/applicant is in custody since 7.5.2025. No independent witness was jointed by the I.O. at the time of alleged recovery and the police officials have violated the mandatory provisions of ND&PS Act. The alleged recovery falls within the ambit of non-commercial category. He further contended that no useful purpose will be served by keeping the applicant/accused in further custody. The applicant/accused undertakes to abide by the terms and conditions as imposed by the Court. Lastly, prayer has been made for acceptance of interim bail.

5. On the other hand, the learned APP for the State has opposed the bail application on the ground of gravity of offence. He further argued that the present case was registered against Mani son of Ratan for keeping in

conscious possession 30 gms. of intoxicating substance. On the basis of disclosure statement of Mani, accused/applicant was nominated under Section 29 NDPS Act. No recovery of contraband was effected from the applicant/accused. There is no previous FIR registered against the applicant/accused. FSL report is awaited. He lastly prayed for dismissal of the application.

6. I have heard the Learned Additional Public Prosecutor for State and the Learned Counsel for bail-applicant and have gone through the police record carefully.

7. Perusal of the file as well as the police record shows that in the matter in hand case of the prosecution is that on 23.4.2025, in the area of Police Station Dasuya, Hoshiarpur, Mani was found in conscious possession of 30 gms. of intoxicating substance recovered from a polythene envelope thrown by him on the side of the road. The said recovered intoxicant substance was converted into a parcel. Accused failed to produce any license or permit for keeping the said intoxicant substance in his possession. Finding the commission of offence u/s 22 of NDPS Act, FIR was registered against accused Mani from whose conscious possession 30 gms. of intoxicant substance was recovered. During investigation accused/applicant was nominated in the present matter vide DDR no.23 dated 24.4.2025 on disclosure statement of co-accused Mani.

8. Having traversed through the fundamental aspects relevant for the determination of the application at hand, the Court at this juncture is cognizant of judgment passed by Hon'ble the Punjab and Haryana High Court

titled as **Inderjit Singh @ Laadi and others versus State of Punjab 2014(3) Recent Criminal Reports 953**. It has been held in paragraph number 54 that the Presiding Officer of Special Court dealing with the NDPS Act cases, whenever need is felt and where the matter is being unnecessarily delayed, may grant interim bail till the receipt of the Chemical Examiner report and thereafter, may consider the case after the receipt of report.

9. As per record, the bail-applicant was nominated in the present case on the basis of disclosure statement of accused Mani. The applicant/accused was arrested on 7.5.2025 and is in custody since then. Nothing was recovered from the conscious possession of accused/applicant Sabi @ Manga. It is more of an acknowledged fact that report of Chemical Examiner has not yet been received (as is patent from the statement of Investigating Officer), so as to decipher as to exact content of contraband, in order to quantify it either in the category of non-commercial or commercial quantity. During the pendency of the present bail application, I.O. has sufficient time to make earnest endeavor to procure the report from Chemical Examiner, however, he suffered statement that FSL report is awaited. To rephrase, till date the investigating agency has even failed to established the nature of substance contained in the recovered contraband. Therefore, at this stage, this Court is unable to say definitely as to the quantity of the salt, to keep either in the category of commercial or non-commercial. The bail-applicant is in custody since 7.5.2025. Needless to say, in such a peculiar scenario the exact nature of the substance recovered from the possession of accused can be determined in definitive terms only on the receipt of the report

of the Chemical Examiner which is still awaited so far. Till the report is received, the claim of the investigating agency of having recovered banned narcotic/psychotropic or any other substance under the Narcotic Drugs and Psychotropic Substances Act, 1985 remains more of an assumption with missing element of certainty. The investigating officer could not even draw a tentative time frame within which the report of the Chemical Examiner is likely to be received. **Moreover the conduct of the accused as put up before me is unblemished as according to the statement suffered by I.O. no previous FIR was registered against him under NDPS Act.** Since the matter is being unnecessarily delayed and receipt of report of Chemical Examiner is likely to take time, the case at hand falls within the purview of the operation of the enabling provisions of the cited judgment.

10. Hence in the peculiar circumstances, till the receipt of FSL report, I deem it proper to grant interim bail to bail-applicant, on his furnishing bail bonds/surety bonds in the sum of ₹ 1,10,000/- with one surety of the like amount to the satisfaction of Illaqa/Duty Magistrate subject to the following conditions:

- a. That accused shall attend the Court on each and every date of hearing;
- b. That accused shall not commit an offence similar to the offence of which he/she is accused, or suspected, of the commission of which he/she is suspected;
- c. That accused shall not directly or indirectly make an 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; and

d. That accused shall not leave the country without prior permission of Court.

11. It is further clarified that this order shall remain operative subject to the receipt of report from chemical examination about the examination and nature of contents of the narcotic/psychotropic/intoxicating substance recovered from the possession of the accused and in case the same happens to be commercial quantity, the order of interim bail shall be deemed to have become inoperative/defunct forthwith and, in that event, the bail-applicant shall surrender in the Court immediately.

12. It is further made clear that the observations made herein-above by undersigned vide this order are strictly for the disposal of the application in hand and shall have no reflection on merits of the case. Police record be returned and bail application be sent back to concerned Court.

Pronounced in open Court:
Dated: 10.6.2025
Anil, Stenographer

(P.S. Kaleka), ASJ
(D) Judge Special Court, Hoshiarpur
(UID No.PB-0253).

Present: Shri R.S. Abhi, Advocate for bail-applicant.
Shri Rahul Dadhwal, Ld. Addl. PP for the State.

Report of Ahlmad received and perused. Statement of ASI Gurnam Singh, No.596/HPR, PS Dasuya, Hoshiarpur, is also recorded.

Arguments heard. Vide separate detailed order of the even date, the bail application in hand stands allowed, subject to the conditions mentioned therein. Police record be returned and bail application be sent back to concerned Court.

Pronounced in open Court:

Dated: 10.6.2025

Anil, Stenographer

(D) **(P.S. Kaleka)**, ASJ
Judge Special Court, Hoshiarpur
(UID No.PB-0253).