

**IN THE COURT OF SH. BIKRAMJIT SINGH, ADDITIONAL SESSIONS
JUDGE, BARNALA. (UID NO. PB0224)**

BA No.1454-2025

CNR No. PBBR01-003861-2025

Date of Institution : 30.08.2025

Decided on: 15.09.2025

**Kala Singh, son of Gurjant Singh, resident of Chandigarh Basti, village
Ghunas, District Barnala.**

.....Applicant

versus

State of Punjab

.....Respondent

FIR No.102 dated 30.07.2025

U/s 22, NDPS Act, 1985

Police Station : Tapa.

Bail application under Section 483, BNSS, 2023

Present: Sh. A. K. Mehta, Advocate, for the applicant-accused-Kala Singh.
Sh. Dilpreet Singh, Addl. PP for the State.

ORDER

This order of mine shall dispose of above mentioned bail application moved by applicant-accused-Kala Singh in the above noted case for grant of regular bail under section 483 of the BNSS, 2023.

2. Notice of bail application was issued to the respondent-State and learned Addl. PP for the State has put in appearance. Record of investigation received and perused.

3. I have heard the learned counsel for the bail applicant, learned Addl. PP for the State and also perused the record.

4. Succinctly stated as per the prosecution version, on dated 30.07.2025, Harwinderpal ASI, along with fewer other police officials, was present at Tajo Kanchiyan, Tapa, District Barnala for the purpose of patrolling and checking of suspicious persons. It was about 07:35 P. M., Harwinderpal ASI received a tip-off to the effect that one Kala Singh is indulged in selling intoxicant tablets after procuring the same from outer State. Today also, he is standing at Mata Dati Road, Tapa to sell intoxicant tablets to his customers. If a raid is conducted on Mata Dati Road, Tapa instantly, then, he can be apprehended red-handed.

Finding the information reliable, Harwinderpal ASI sent a ruqa through Rajandeep Kaur L/C to the Police Station Tapa for the purpose of registration of an FIR under Section 22 of the NDPS Act, 1985 against Kala Singh. Thereafter, Harwinderpal ASI, along with a police party, reached near the Dera Radha Soami at Mata Dati Road, Tapa and spotted one person rummaging a polythene bag. The person was apprehended by the police party. The person upon enquiry identified himself as Kala Singh. After complying with mandatory provisions of the NDPS Act, 1985, the search of the polythene bag in possession of the applicant-accused got conducted, which resulted into recovery of loose intoxicant tablets, 203 Nos., therefrom. The applicant-accused was arrested into the present case.

A representative sample of the loose intoxicant tablets, allegedly recovered from the possession of the applicant-accused, has been sent to the

RTFSL, Bathinda, Punjab for chemical analysis purpose. The requisite FSL report is yet to be awaited.

5. Learned counsel for the applicant-accused has vehemently contended that the applicant-accused is the quite innocent person and has been falsely implicated in this case. The prosecution allegations are totally false and frivolous. He further argued that no recovery is to be effected from the applicant-accused even otherwise, the alleged recovery falls within the ambit of 'intermediate quantity' under the NDPS Act, 1985. The applicant-accused is in custody since 30.07.2025 and even report of FSL is yet to be received. He further submitted that presentation of challan and thereafter conclusion of trial may take considerable time and no useful purpose would be served by detaining the applicant-accused further behind the bars. The applicant-accused will abide by all the terms and conditions as imposed by this Court. Lastly, a prayer for grant of regular bail during the pendency of the present bail application or in the alternate a prayer for grant of interim bail to the applicant-accused till receipt of report of chemical examiner has thus, been made.

6. On the other hand, learned Addl. PP for the State has opposed the bail application on the ground of seriousness of the offence and a prayer for dismissal of bail application has thus, been made.

7. After giving thoughtful consideration to the rival contentions and after going through the record, this court is of the considered view that the applicant-accused is entitled for interim bail at this stage. As per prosecution allegations, the applicant-accused on dated 30.07.2025 had in his conscious possession loose intoxicant tablets, 203 Nos., as detailed above. The

applicant-accused is in custody since 30.07.2025. Challan of the case has not been presented so far and even report of chemical examiner has not been received so far. Unless and until report is received from the office of Chemical examiner, content of contraband cannot be determined and at present applicant-accused is in judicial custody merely on the basis suspicion of investigating officer that material recovered from applicant-accused is some narcotic or psychotropic substance. In these circumstances, it would not be proper and justified to keep the applicant-accused in custody for an indefinite period till the report of chemical examiner is received. In this regard, I find support from the law laid down by Hon'ble High Court of Punjab & Haryana in case titled as "**Inderjit Singh @ Laddi Vs. State of Punjab 2014 (3) RCR (Criminal) 953**". In view of my discussion above and law laid down by Hon'ble Punjab and Haryana High Court, it is a fit case where interim bail should be granted to the applicant-accused. Accordingly, applicant-accused is ordered to be released on **interim bail** on furnishing bail bond in the sum of Rs.1,00,000/- with one surety in the like amount to the satisfaction of Illaqa/duty Magistrate with the following conditions:

- i) That the applicant-accused shall remain present before the court on each and every date of hearing.
- ii) That the applicant-accused shall not leave India without the prior permission of the court.
- iii) That the applicant-accused shall not influence or intimidate any of the prosecution witnesses in any manner whatsoever.
- iv) That the applicant-accused shall not commit similar offence in future.
- v) That this order of interim bail is subject to the result of the chemical examiner.

It is further made clear that if, on receipt of report of Chemical Examiner/Forensic Science Laboratory, quantity of recovered contraband is found to be of commercial quantity under the NDPS Act, 1985, the relief of interim bail will come to an end automatically and accused has to be surrender in the Court and will be taken into custody, without any further order of cancellation of her interim bail. Accordingly, the present bail application is disposed of. Police record be returned. Bail application file be attached with the connected papers.

Pronounced in open Court on
15th day of September, 2025.

Gurdit Singh

JW Grade-II

(Bikramjit Singh),
Judge, Special Court,
Barnala.
(UID No.PB0224)