

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

CNR No.PBMO010035772026
CIS Filing No.BA/1446/2026
Date of Order : 16.05.2026.

State

Versus

Arjun Singh son of Ranjit Singh resident of village Wakillan Wala, Tehsil
Zira, District Ferozepur.

---Accused-applicant

FIR No.86 dated 15.04.2026,
Under Sections :- 21/29/61/85 of NDPS Act
Police Station :- City Moga.

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

Present :- Sh. G.S.Bhardwaj, Advocate the accused-applicant.
Mrs. Gunwantiit Manesh, Addl. Public Prosecutor for State

ORDER

Vide this order, I shall dispose of the instant application for bail filed by the above referred applicant-accused under Section 483 of B.N.S.S.

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

3. Tersely put, case of prosecution is that on 15.04.2026, accused/applicant alongwith co-accused were apprehended by the police party headed by ASI Balvir Singh on the basis of secret information and on seeing the police party, they have thrown away one transparent polythene envelop on the earth and upon checking of the same, it was found to be containing 20 grams of Heroin. Accordingly, FIR was registered.

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 20 grams Heroin has already been effected from the possession of the accused/ applicant as well as co-accused 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 15.04.2026 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 :- 16.05.2026.

Sunny Stenographer-II

(Bishan Saroop)

Judge, Special Court,

Moga (UID No.PB00449).

Present :- Sh. G.S.Bhardwaj, Advocate for the accused/applicant
Mrs. Gunwantjit Manesh, Addl. Public Prosecutor for State

An application for adding the offence under Section 29 of NDPS Act in the head note of bail application has been filed by learned counsel for the applicant/accused on the ground that later on, investigating agency has added the offence under Section 29 of NDPS Act in the present case and due to this reason, at the time of filing the bail application, offence under Section 29 of NDPS Act has not been added. Request of learned counsel for the accused/applicant carries merit. Reader of this court is directed to make necessary addition in the head note of the bail application with red ink.

Today ASI Balvir Singh has come present and suffered his separate statement that he has brought the record concerning the present bail application. As per record, this is first bail application of the accused/applicant. The accused/applicant is in custody in this case since 15.04.2026. In this case, recovery of 20 grams of Heroin was effected from the accused/applicant. No other criminal case is pending against the accused/applicant.

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 :- 16.05.2026.

Sunny Stenographer-II

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