

In the Court of Dr. Mandeep Mittal, Judge, Special Court, Hoshiarpur.
(UID No. PB-0216)

CIS No. BA/1589/2026
CNR No: PBHO010046912026
Date of Institution: 22.06.2026
Date of order: 30.06.2026

Budhu Kumar @ Bittu aged about 45 years son of Mohan Lal, resident of
Sarihala Kalan, P.S. Chabbewal, Hoshiarpur.

.....Applicant/accused

Vs.

State of Punjab

.....Respondent

FIR No. 15 dated 05.03.2025
U/S 22-22-61-85 NDPS Act and
Section 111, 345(3) BNS
Police Station Chabbewal, Hoshiarpur.

FIRST APPLICATION FOR GRANT OF REGULAR BAIL U/S 483 BNS.

Present: Ms. Rupika Thakur, Dy. Chief L.A.D.C for applicant-accused.
Ms. Jaspinder Kaur, Ld. Addl. PP for the State.

ORDER

1. File taken up today as 29.06.2026 has been declared holiday as per
Endst. No.916/SPL dated 28.06.2026 passed by Hon'ble High Court and put up
before me being Duty Judge vide Endst. No.14628-36 dated 21.05.2026 passed
by Ld. Sessions Judge, Hoshiarpur. Heard on the bail application dated
22.06.2026 filed through learned counsel on the basis of power of attorney
executed by the accused/applicant namely Budhu Kumar @ Bittu along with
affidavit of the accused/applicant.

Dr. Mandeep Mittal
Vacation Judge,
Hoshiarpur.

2. It is averred that the police officials of P.S. Chabbewal, District Hoshiarpur has falsely implicated the accused/applicant in the above said FIR. The applicant/accused is in custody since 05.03.2025 and alleged recovery of 110 grams of Alprazolam has been planted by the police. Nothing has been recovered from the applicant/accused. Offence under Section 111 BNS has not been made out as ingredients are not fulfilled in this case. The offence under Section 345(3) BNS is bailable one. Challan has already been presented in the Court and no purpose will be served by keeping the applicant/accused behind the bars. No independent witness has been joined at the time of alleged recovery and the mandatory provisions regarding arrest, search and seizure of the applicant has not been complied with. Hence the application.

3. Notice of the bail application was issued to the State through Ld. Addl. PP, who put in appearance and contested bail application.

4. I have heard Ld. Addl. PP for the State and Ld. Counsel for bail-applicant and have gone through the record.

5. The perusal of file reveals that the original file is pending for 06.07.2026 for production of all the accused by Jail Authorities through Video Conference facility as well as for cross-examination of PW-3 by defence counsel. The charge was framed on 21.07.2025 against three accused total six witnesses have been examined out of which the cross-examination of PW3 is yet to be done. The applicant/accused Budhu Kumar and co-accused Sheela were apprehended on 05.03.2025 in the area of Chowk Lehli Khurd and were found in possession of 110 gram intoxicant substance having salt Alparazolam

(as per FSL report) and the quantity was found to be commercial being more than 100 gram.

6. The Hon'ble Supreme Court of India in **Union of India vs. Ajay Kumar Singh @ Pappu (SC) : Law Finder Doc Id # 2174237 (D/d. 28.03.2023)** held that in view of the provisions of Section 37 of the NDPS Act, 1985, it is implicit that no person accused of an offence involving trade in commercial quantity of narcotics is liable to be released on bail unless the Court is satisfied that there are reasonable grounds for believing that he is not guilty of such an offence and that he is not likely to commit any offence while on bail.

7. Applying the afore-noted ratio laid down by the Hon'ble Supreme Court in **Union of India v. Ajay Kumar Singh (Supra)** to the case in hand, this Court finds that the applicant-accused fail to accomplish the embargo laid down under Section 37 of the Act, 1985. The perusal of the file it reveals that accused was apprehended with 110 gram intoxicant substance from his possession which falls under commercial quantity. Keeping in view the bar under Section 37 of NDPS Act, the accused does not deserves the concession of bail and hence, the bail application is dismissed. However, the defence is at liberty to request for expeditious trial with undertaking not to seek adjournments.

8. The observation made by undersigned vide this order shall not be deemed to have reflection of mind on merits. Bail application file be attached with the main case file.

Pronounced in open court:
Dated 30.06.2026

Anil Kumar, Stenographer

(Dr. Mandeep Mittal)
Vacations Judge,
Hoshiarpur.
UID No. PB0216

Dr. Mandeep Mittal
Vacation Judge,
Hoshiarpur.