

PBGD010003972025



Presented on : 14-01-2025
Registered on : 14-01-2025
Decided on : 18-01-2025
Duration : 0 years, 0 months, 4 days

**IN THE COURT OF
JUDGE SPECIAL COURT,
AT Gurdaspur, Gurdaspur
(Presided Over by Sh. Raman Goklaney)**

BA/156/2025

Sukhdev Singh @ Sukha son of Ajit Singh, resident of Village Dera Nabi Nagar, Tehsil Dera Baba Nanak, District Gurdaspur.

.....Applicant/accused.

Versus

State of Punjab

....Respondent

Ist applicaiton for bail under Section 483 Bharatiya Nagarik Suraksha Sanhita, 2023.

FIR No. 87 dated 29.12.2024.
Under section:- 21 & 29 of NDPS Act.
Police Station: Kotli Surat Malhi.

Present : Sh.Jagjit Singh, Advocate, learned Counsel for applicant.
Sh. Bikramjit Singh, Additional Public Prosecutor for State.

ORDER :-

1. This order shall dispose off the regular bail application filed by accused-applicant under the provision of Section 483 Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No. 87 dated 29.12.2024

under Sections 21 and 29 of NDPS Act, registered at Police Station Kotli Surat Malhi.

2. The facts, in brief, necessary for disposal/consideration of the present bail application are that the present FIR in question registered on the accusation that when police party headed by SHO PS Kotli Surat Malhi was patrolling in the area of village Ransikka, Talla Barriar, Fattupura falling within the jurisdiction of Police Station Kotli Surat Malhi in search of bad elements and when the police party reached near Village Barriar, then a secret informer informed to the police party that Sukhdev Singh @ Sukha son of Ajit Singh indulged in selling of Heroin and in case raid is conducted, he can be apprehended with intoxicant material. The police party after finding the information cogent proceeded towards the designated spot and it is the case of the Investigating Agency that after following proper procedure for search and seizure, 05 grams 40 mlg of Heroin recovered from accused-applicant along with one computer weighing scale. On these accusation, FIR under Section 21 of NDPS Act has been registered.

3. Sh. Jagjit Singh, Advocate, learned counsel for the accused-applicant submitted that applicant has been falsely implicated in the presente case and he is in custody since 29.12.2024 and completion of investigation and conclusion of trial would take considerable long time and prayed for grant of concession of regular bail. Per contra, Sh. Bikramjit Singh, Additional Public Prosecutor for State opposed the bail application on the ground that releasing the accused-applicant on bail would facilitate

him to again indulged in same activities and prayed for dismissal of the bail application.

4. After hearing the rival contentions of the parties and from the perusal of the record, it emerges out that accused-applicant is not involved in any other FIR under NDPS Act and the accusation in the present case against him are with regard to 05 grams 40 mg of Heroin which is little above the small quantity. Accused-applicant is in custody since 29.12.2024. His further incarceration would not be justifiable. Accordingly, the present bail application is allowed and accused-applicant is admitted to bail on his furnishing bail bonds in the sum of Rs. 50000/- with one surety in the like amount subject to the following conditions :-

- I. That applicant-accused shall not indulge in any activity similar to the activities on the basis of which aforesaid criminal case stood registered against him for the offences under the NDPS Act.
- II. That applicant-accused shall not undertake any action which is prejudicial to proceedings during the course of trial.
- III. That applicant-accused shall attend all the dates during the trial unless prevented by any reasonable cause.
- IV. That applicant-accused neither personally nor through anyone make any attempt to influence the witnesses or tamper with the evidence.
- V. That applicant-accused shall not leave India without the prior permission of the Court.
- VI. The grant of bail is conditioned upon accused/applicant's diligent participation in the trial. This includes, but is not limited to, the timely cross-examination of witnesses and adherence to

the Court's schedule. Failure to comply with these conditions, including any deliberate delay in proceedings may result in the cancellation of bail and the accused/applicant would be sent to judicial custody.

3. However, it is made clear that observations made herein above shall not be construed as an expression on the merits of the main case. The bail application be tagged with remand papes pending for 24.01.2025.

Date of order:- 18.01.2025

Iqbal Singh, Stenographer-I

(Raman Goklaney)
UID No PB-0687
JUDGE SPECIAL COURT,
Gurdaspur.