

**IN THE COURT OF PRABHJOT KAUR, JUDICIAL MAGISTRATE IST
CLASS, NIHAL SINGH WALA**

CNR No. PBMOA10010972025

CIS No. BA/157/2025

Sandeep Singh @ Moli Versus State of Punjab

Present: Sh. Chaman Lal Goyal, Adv. Counsel for applicant/accused
Sh. Ramanpreet Singh, APP for the State.

ORDER:-

This order shall dispose of bail application filed by the applicant/accused Sandeep Singh @ Moli in FIR No. 117 dated 06.07.2025 under Section 27/61/85 of NDPS Act, P.S. Badhni Kalan.

1. It is stated in the application that the accused/applicant is quite innocent. The applicant has nothing to do with the alleged commission of offence. The version of the prosecution in respect of the applicant is sheer manipulation. No offence under above referred section has been committed by the applicant or made out against him. The implication of applicant is motivated. From the facts and circumstances of the case, no such offence is made against the accused/applicant. The applicant/accused is in custody since 06.07.2025. Accused/applicant is no more required for any further investigation or interrogation purposes. He has been falsely implicated in this case and no recovery has been effected from the applicant/accused. At last, prayer has been made to allow the bail application.
2. Notice of the bail application has been given to the State. No reply to bail application has been filed by the APP but the same has been contested orally and prayer for dismissal of the bail application has been made.
3. I have heard learned counsel for the applicant/accused as well as learned APP for the State and have gone through the case file carefully.
4. Upon perusal of the submissions made by both the parties, it is observed that the well-settled principle that "bail is the rule and jail is the

**Prabhjot Kaur,
JMIC/N.S.W**

exception” must be kept in consideration. In cases of non-bailable offences, bail can be granted if the case falls within the scope of the Provisos appended to Sec. 480 of the Bharatiya Nagarik Suraksha Sanhita, 2023. Reliance in this regard is being placed on the decision of Hon’ble Supreme Court in the case titled as *Satender Kumar Antil Versus Central Bureau Of Investigation & Anr. (2022) 10 SCC 51*.

5. A perusal of the record reveals that the accused has been alleged to have consumed Heroine. The applicant/accused was arrested on 06.07.2025 and thereafter, he was sent to De-addiction Centre, Janer on 07.07.2025. No recovery has been effected from the accused. As such, no useful purpose would be served by further detaining the accused, particularly when the conclusion of the trial is likely to take considerable time. Moreover, the criminal liability of the accused is yet to be determined during the course of trial. It is trite law that the personal liberty of an individual is of paramount importance and must be protected, unless there exists compelling reasons to curtail the same.
6. On the basis of the above discussion, the bail application is allowed and the accused/applicant namely Sandeep Singh @ Moli is ordered to be released on bail on furnishing of bail bonds in the sum of Rs. 20,000/- with one surety in the like amount subject to conditions as under:
 - i. That he shall attend in accordance with the conditions of the bond executed.
 - ii. That he shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.
 - iii. That he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

**Prabhjot Kaur,
JMIC/N.S.W**

- iv. That he shall inform the Court in case of change of his address immediately without any delay.
 - v. That he shall not leave the country without prior permission of the Court.
7. Bail bonds and surety bonds on behalf of the accused not furnished. Ahlmad is directed to attach the papers with main challan/remand papers.
8. However, it is pertinent to mention here that in lieu of this bail granted to the accused person, if the accused gets himself released from the De-addiction Centre before the completion of his treatment, it will be deemed that he has waived the immunity granted to him under Section 64-A of NDPS Act.

Date of Order: 02.08.2025
*Sanjay Amroya Gr-III**

(Prabhjot Kaur)
Judicial Magistrate 1st Class,
N.S.W/UID No. PB0823

Prabhjot Kaur,
JMIC/N.S.W