

**IN THE COURT OF RANJEEV PAL SINGH CHEEMA,
JUDGE, SPECIAL COURT; GURDASPUR**

CIS No: BA-1591-2025

CNR No: PBGD01-003800-2025

Date of Decision: 28.04.2025

Jobanjeet Singh son of Lal Singh, resident of Patti Bazar, village Bhagowal, P.S. Qila Lal Singh Tehsil Batala District Gurdaspur.

.....Applicant/Accused

Versus

State of Punjab

.....Respondent.

FIR No. 16 dated 21.03.2025

Under Section 22/27 (a)-61-85 of NDPS Act

Police Station:- Qila Lal Singh

Ist Bail application under Section 483 BNSS

Present: Sh. Hitesh Sharma, Advocate, Id. Counsel for applicant/
accused Jobanjeet Singh.

Sh. Tejinder Pal, Ld. Additional P. P for State

ORDER

1. This order shall dispose off the first bail application preferred under the provisions of Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail filed by accused-applicant in case FIR No. 16 dated 21.03.2025 under Section 22/27 (a)-61-85 of NDPS Act, registered at Police Station Qila Lal Singh, District Gurdaspur.

2. The brief facts of the prosecution case are that on 21.03.2025, SI Santokh Singh along with his team was going toward village Bhagowal Stadium through village Milkhiwal and when the police party was crossing the Stadium, a young boy was seen coming from front side on foot, who on seeing the police party perplexed and turned back and tried to throw a polythene envelope after taking out of the pocket of his right lower. He was apprehended. After following the proper procedure for search and seizure, accused Jobanjeet Singh was arrested with 55 intoxicant tablets besides Rs. 1100/- alleged to be drug money. After the registration of the FIR, investigation

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ensued and on disclosure of Jobanjeet Singh, accused Akashdeep Singh @ Kashi was nominated in the FIR in question vide Rapt No. 10 dated 22.03.2025 under Section 29 of NDPS Act.

3. Upon notice, learned Additional P. P. put in appearance and contested the bail application on the ground that accused-applicant is involved in heinous offence and releasing the accused-applicant on bail would facilitate him to indulge in similar activities again. With these submissions, prayer is made for dismissal of the bail application. ASI Phuman Singh No. 3323/Btl Police Station Qila Lal Singh came present along with record and suffered statement that accused Jobanjeet Singh was arrested in the present case on 21.03.2025 and recovery of 55 intoxicant loose tablets and Rs. 1100/- drug money were recovered from the possession of accused Jobanjeet Singh. Accused Akashdeep Singh @ Kashi was nominated in the present case on the basis of disclosure statement of accused Jobanjeet Singh vide DDR No. 10 dated 22.03.2025 and offence under Section 29 of NDPS Act was enhanced. Co-accused Akashdeep Singh has not arrested yet. No other bail application is pending or decided qua accused Jobanjeet Singh by any Ld. Court. He is not involved in any other FIR.

4. Sh. Hitesh Sharma, Advocate, Id. Counsel for the accused-applicant submitted that accused-applicant is innocent and has not committed any offence as alleged in the FIR. The investigating agency has not followed the procedure prescribed under NDPS Act. Nothing was recovered from the applicant/accused. Applicant/accused was arrested in this case and now he is in judicial custody since 21.03.2025. Nothing is to be recovered from the applicant/accused. Conclusion of investigation and presentation of challan shall take sufficient long time and no purpose would be served by keeping the petitioner behind the bars for indefinite period, so, he may be admitted to regular bail.

5. I have heard the arguments of learned counsel for applicant/accused as well as of learned Additional Public Prosecutor and gone through the record.

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6. Perusal of file shows that one co-accused namely Akashdeep Singh @ Kashi has also been nominated in the present case on the disclosure statement of applicant/accused Jobanjeet Singh. Police record shows that the above said co-accused Akashdeep Singh @ Kashi has not arrested so far. In view of the circumstances, investigation under Section 29 of NDPS can be hampered if applicant/accused is being released on bail despite the fact that the co-accused Akashdeep Singh @ Kashi directly involved in this case along with applicant/accused, has not arrested so far. Though the counsel for applicant/accused prayed to grant interim bail on the ground that Chemical Examiner Report has not received so far and it will take time, but it is pertinent to mention here that the Chemical Examiner Report is not the sole factor for consideration at this stage, rather arrest of co-accused Akashdeep Singh @ Kashi is very important factor at this stage.

7. In view of the above said discussion, this Court is of the opinion that applicant/accused is not entitled for interim or regular bail at this stage. Accordingly, the interim and regular bail applications of applicant/ accused are hereby dismissed. Police record be returned. A copy of this order be attached with remand papers. Record of present bail application be consigned to record room.

Pronounced
28.04.2025.
Rajeev Gupta, Stenographer-1

(Ranjeev Pal Singh Cheema),
Judge, Special Court,
Gurdaspur(UID No. PB0294)

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