

PBGD010037702025



Presented on : 19-04-2025
Registered on : 19-04-2025
Decided on : 24-04-2025
Duration : 0 years, 0 months, 5 days

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

BA/1573/2025

Deepak Kumar alias Deepu son of Balwinder resident of Ghugi MC,
College Road, Gurdaspur Tehsil and District Gurdasur, PS City
Gurdaspur.

...Applicant/accused.

Versus

State of Punjab.

...Respondent.

**First Application for bail U/s 483 Bharatiya Nagarik Suraksha
Sanhita, 2023 for grant of regular bail.**

FIR No. 50 dated 14.03.2025.
Under Sections 22 & 27-A of Narcotic Drugs &
Psychotropic Substances Act, 1985
Police Station : City Gurdaspur.

Present : Sh. D.S. Bajwa, Advocate for applicant/accused.
Sh. Amit Aulakh, Additional Public Prosecutor for State.

O R D E R :-

This order shall dispose off the first regular bail application
filed under Section 483 Bharatiya Nagarik Suraksha Sanhita, 2023 for
grant of regular bail by applicant-accused in case FIR No.50 dated
14.03.2025 under Sections 22 and 27-A of Narcotic Drugs &

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Psychotropic Substances, Act, 1985 registered at Police Station City,
Gurdaspur, District Gurdaspur.

2. The facts, in brief, necessary for disposal of the instant bail application are that the present FIR registered on the accusation that when police party headed by SI Varinderpal Singh was patrolling in the area of PS City Gurdaspur on 14.03.2025, then they apprehended accused Sunny son of Subash Kumar resident of Hari Darbar Colony Gurdaspur and Deepak Kumar @ Deepu son of Balwinder Kumar @ Kala, resident of Ghugi MC Wali Gali, College Road, Gurdaspur on the basis of suspicion. It is the case of the prosecution that after following proper procedure for search, seizure and arrest as per NDPS Act, 32 intoxicant capsules were recovered from accused Sunny and 34 intoxicant capsules were recovered from accused-applicant Deepak @ Deepu besides currency note of Rs. 400/- as drug money.

3. SI Varinderpal Singh appeared along with record and suffered statement that there are total two accused in the present case. 34 intoxicant capsules recovered from Deepak and 32 capsules recovered from co-accused Sunny. Rs. 400/- alleged to be drug money recovered from Deepak. Two cases under NDPS Act of the year 2022 and 2023 pending trial against accused.

4. Sh. D.S.Bajwa, Advocate, learned counsel for the accused-applicant submitted that accused-applicant has been falsely implicated in the present case. He next submitted that nothing has been recovered from the accused-applicant as alleged in the FIR. He finally submitted that

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accused-applicant was arrested on 14.03.2025 and at present he is in custody and conclusion of trial would take considerable long time and accused-applicant be granted concession of regular bail.

5. Per contra, Sh.Amit Aulakh, learned Additional Public Prosecutor for State opposed the bail application on the ground that releasing the accused-applicant on bail would facilitate him to repeat the offence of similar kind in future

6. After hearing the rival contentions of the parties and from the perusal of the record, it emerges out that 32 intoxicant capsules recovered from accused-applicant and 34 intoxicant capsules recovered from co-accused Sunny. He is in custody since 14.03.2025. Forensic Science Laboratory report has not been received so far. Since Chemical Examiner report has not received so far and it could be ascertain only after the receipt of chemical examiner report as to whether the ingredient found in intoxicant capsules would fall under commercial quantity or non commercial quantity and the said categorization of the recovery under NDPS Act is one of the important consideration for granting or refusing the bail to the accused on account of Section 37 of NDPS Act. Accordingly, in view of the judgment passed in Inderjit Singh @ Laddi Vs. State of Punjab, 2014(3) RCR (Criminal) 953, it has been held by our own Hon'ble High Court that the Presiding Officer of a Special Court dealing with NDPS cases wherever the need is felt and where the matter is being unnecessarily delayed, may grant interim bail till the receipt of the Forensic Science Laboratory report and thereafter, consider the case after the receipt of report. In the present case the

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applicant has already undergone sufficient custody and no useful purpose would be served to keep him behind bars any more sans chemical analysis report. Therefore, considering the facts and circumstances of the present case and without commenting upon the merits of the case at this stage, accused-applicant is ordered to be released on interim bail till the receipt of report of Forensic Science Laboratory on furnishing bail bonds in the sum of Rs. 50,000/- with one surety in the like amount subject to the following conditions:-

- i. That in case the recovered quantity comes within the ambit of commercial quantity, then the interim bail granted vide this order stands cancelled in view of the bar created under Section 37 of NDPS Act.
- ii. 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.
- iii. That applicant-accused shall not undertake any action which is prejudicial to proceedings during the course of trial.
- iv. That applicant-accused shall attend all the dates during the trial unless prevented by any reasonable cause.
- v. That applicant-accused neither personally nor through anyone make any attempt to influence the witnesses or tamper with the evidence.
- vi. That applicant-accused shall not leave India without the prior permission of the Court.
- vii. 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,

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including any deliberate delay in proceedings may result in the
cancellation of bail and the accused/applicant would be sent to
judicial custody.

7. 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 papers of this file be tagged with remand papers.

Date of order:- 24.04. 2025

Iqbal Singh, Stenographer-I

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

Raman Goklaney,
Judge, Special Court, Gurdaspur
Dated : 24.04.2025