

**IN THE COURT OF SH. BIKRAMJIT SINGH, ADDITIONAL SESSIONS
JUDGE, BARNALA. (UID NO. PB0224)**

BA No.1479-2025

CNR No. PBBR01-003925-2025

Date of Institution : 03.09.2025

Decided on: 20.09.2025

**Darshan Singh, son of Maghar Singh, resident of village Wazidke Khurd,
District Barnala.**

.....Applicant

versus

State of Punjab

.....Respondent

FIR No.351 dated 02.08.2025

U/ss 22, 29, NDPS Act, 1985

Police Station : City Barnala.

Bail application under Section 483, BNSS, 2023

Present: Sh. G. S. Dhillon, Deputy Chief Legal Aid Defence Counsel, for the
applicant-accused-Darshan Singh.

Sh. Dilpreet Singh, Addl. PP for the State.

ORDER

This order of mine shall dispose of above mentioned bail application
moved by applicant-accused-Darshan Singh in the above noted case for grant of
regular bail under section 483 of the BNSS, 2023.

2. Notice of bail application was issued to the respondent-State and
learned Addl. PP for the State has put in appearance. Record of investigation
received and perused.

3. I have heard the learned counsel for the bail applicant, learned Addl. PP for the State and also perused the record.

4. Succinctly stated as per the prosecution version, on dated 02.08.2025, Sukhwinder Singh ASI, along with fewer other police officials, was present at Valmiki Chowk, Barnala for the purpose of patrolling and checking of suspicious persons. It was about 05:50 P. M., Sukhwinder Singh ASI received a tip-off to the effect that one Darshan Singh, alias Nikka is indulged in selling intoxicant tablets after procuring the same from outside. Today also, he is present at Dussehra Ground, Barnala to sell intoxicant tablets to his customers. If a raid is conducted at the disclosed place instantly, then, he can be apprehended red-handed.

Finding the information reliable, Sukhwinder Singh ASI sent a ruqa through Balwant Singh PHG to the Police Station City Barnala for the purpose of registration of an FIR under Section 22 of the NDPS Act, 1985 against Darshan Singh. Thereafter, Sukhwinder Singh ASI, along with a police party, reached at Dussehra Ground, Barnala and spotted one person standing there along with the wall. The person on seeing the police party got perplexed; threw down a polythene bag and tried to ran away. The person was apprehended by the police party. The person upon enquiry identified himself as Darshan Singh (applicant-accused). After complying with mandatory provisions of the NDPS Act, 1985, the search of the polythene bag thrown down by the applicant-accused-Darshan Singh got conducted, which resulted into recovery of loose intoxicant tablets, 100 Nos., therefrom. The applicant-accused-Darshan Singh was arrested into the present case.

During the investigation, Dilawar Singh, Mandeep Singh and one Harwinder Singh, alias Binder were nominated as accused into the matter of the present case and the offence punishable under Section 29 of the NDPS Act, 1985 was added to the FIR. The co-accused-Harwinder Singh, alias Binder was arrested on dated 04.08.2025. The co-accused-Mandeep Singh, Dilawar Singh were arrested on dated 11.09.2025 and 12.09.2025, respectively.

A representative sample of the loose intoxicant tablets, allegedly recovered from the possession of the applicant-accused-Darshan Singh, has been sent to the RTFSL, Bathinda, Punjab for chemical analysis purpose. The requisite FSL report is yet to be awaited.

5. Learned counsel for the applicant-accused has vehemently contended that the applicant-accused is the quite innocent person and has been falsely implicated in this case. The prosecution allegations are totally false and frivolous. The FSL report in regard to the contraband allegedly recovered from the possession of the applicant-accused-Darshan Singh is not received so far. In such a situation, it is not possible to comment upon the nature of the contraband allegedly recovered from the possession of the applicant-accused-Darshan Singh. The applicant-accused is in custody since 02.08.2025. He further submitted that presentation of challan and thereafter conclusion of trial may take considerable time and no useful purpose would be served by detaining the applicant-accused further behind the bars. The applicant-accused will abide by all the terms and conditions as imposed by this Court. Lastly, a prayer for grant of regular bail during the pendency of the present bail application or in the alternate a prayer for grant of interim bail to

the applicant-accused till receipt of report of chemical examiner has thus, been made.

6. On the other hand, learned Addl. PP for the State has opposed the bail application on the ground of seriousness of the offences and a prayer for dismissal of bail application has thus, been made.

7. After giving thoughtful consideration to the rival contentions and after going through the record, this Court is of the considered view that the applicant-accused is entitled for interim bail at this stage. As per prosecution allegations, the applicant-accused-Darshan Singh on dated 02.08.2025 had in his conscious possession loose intoxicant tablets, 100 Nos., as detailed above. The applicant-accused is in custody since 02.08.2025. Challan of the case has not been presented so far and even report of chemical examiner has not been received so far. Unless and until report is received from the office of Chemical examiner, content of contraband cannot be determined and at present applicant-accused is in judicial custody merely on the basis suspicion of investigating officer that material recovered from applicant-accused is some narcotic or psychotropic substance. In these circumstances, it would not be proper and justified to keep the applicant-accused in custody for an indefinite period till the report of chemical examiner is received. In this regard, I find support from the law laid down by Hon'ble High Court of Punjab & Haryana in case titled as "**Inderjit Singh @ Laddi Vs. State of Punjab 2014 (3) RCR (Criminal) 953**". In view of my discussion above and law laid down by Hon'ble Punjab and Haryana High Court, it is a fit case where interim bail should be granted to the applicant-accused. Accordingly, applicant-accused is ordered to be released on **interim bail** on furnishing bail bond in the sum of

Rs.1,00,000/- with one surety in the like amount to the satisfaction of Illaqa/duty Magistrate with the following conditions:

- i) That the applicant-accused shall remain present before the court on each and every date of hearing.
- ii) That the applicant-accused shall not leave India without the prior permission of the court.
- iii) That the applicant-accused shall not influence or intimidate any of the prosecution witnesses in any manner whatsoever.
- iv) That the applicant-accused shall not commit similar offence in future.
- v) That this order of interim bail is subject to the result of the chemical examiner.

It is further made clear that if, on receipt of report of Chemical Examiner/Forensic Science Laboratory, quantity of recovered contraband is found to be of commercial quantity under the NDPS Act, 1985, the relief of interim bail will come to an end automatically and accused has to be surrender in the Court and will be taken into custody, without any further order of cancellation of his interim bail. Accordingly, the present bail application is disposed of. Police record be returned. Bail application file be attached with the connected papers.

Pronounced in open Court on
20th day of September, 2025.

Gurdit Singh

JW Grade-II

(Bikramjit Singh),
Judge, Special Court,
Barnala.
(UID No.PB0224)