

B.A. No.1573/2025
CNR No.PBRO-01-005112-2025
Date of Institution: 05.09.2025

State of Punjab Versus Vikas Kumar

Present: Sh. Vishal Vashishst, Advocate, counsel for the applicant-accused.
 Sh. Sukhwinder Singh Saini, learned Additional Public Prosecutor for the State/respondent.

ORDER:-

1. This order of mine shall dispose of an application for regular bail filed on behalf of applicant/accused **Vikas Kumar** in case bearing **F.I.R. No.124 Dated 20.07.2025 under Section 22, 27 of Narcotic Drugs & Psychotropic Substances Act, 1985, Police Station Nangal**. Notice of the bail application was given to the State/respondent.
2. In pursuance of notice of the applications having been issued, the learned Additional Public Prosecutor for the respondent-State has put in appearance. Police record produced and perused.
3. Learned counsel for applicant has vehemently argued that the applicant/accused has been falsely implicated in the present case. The applicant/accused is an innocent person and has not committed any offence. The alleged recovery has already been effected. He has further

argued that the applicant/accused is in custody since 26.08.2025 and no useful purpose will be served by keeping the accused/applicant behind the bars. The report of Chemical Examiner has not been received so far and prayed for releasing the applicant on bail.

4. On the other hand, learned Public Prosecutor for State has hotly opposed the contentions and has argued that the applicant/accused and non-applicant/accused was found in conscious possession of **15 grams intoxicant powder**. Moreover, report of Forensic Science Laboratory is yet to be received. Thus, application be dismissed.

5. ASI Sham Lal No.2859/R, Police Station Nangal appeared and suffered a separate statement that the present case has been registered against Vikas Kumar. Except the present FIR, FIR No.47 dated 17.04.2023 under Sections 323, 341, 506, 149 IPC was registered against the said accused in which he has been acquitted. No other FIR was registered against the applicant/accused.

6. After giving my thoughtful consideration to the rival submissions and on careful perusal of the averments put in the application, contents of the FIR, perusal of the record produced by ASI Sham Lal, coupled with the assistance rendered, it is apt to make

mention that it is a case qua alleged recovery of **15 grams intoxicant powder** from conscious possession of the non-applicant/accused and applicant/accused. Co-accused has already been released on bail. The applicant-accused has been custody since 20.07.2025. The present applicant/accused is ready to face the trial. The prosecution has not given any tentative date on which the report of FSL can be received. The guilt of accused is yet to be established. No useful purpose shall be served by keeping him behind the bars for a longer period. Division Bench of Hon'ble Punjab & Haryana High Court in *Criminal Misc. No.1140 of 2012 decided on 30.01.2014 titled as "Inderjit Singh @ Ladi vs State of Punjab"* has been pleased to observe that "in case there is delay, this would entitle the offender of at least interim bail till the report is finally received". Since in the present case also, report of FSL is yet to be received, thus keeping in view the above said recovery from the possession of applicant/accused, I am of the view that the accused is entitled to get interim bail till report of Chemical Examiner is finally received as per ratio of the above said judgment. Accordingly, the above named applicant/accused is ordered to be released on interim bail till receiving of Chemical Examiner Report subject to furnishing of bail

bonds in the sum of **Rs.75,000/-** with one surety in the like amount to the satisfaction of learned Illaqa/Duty Magistrate subject to the following conditions:-

1. That the applicant shall not leave the country without prior permission of the court,
 2. He shall not tamper with the prosecution evidence even to the slightest,
 3. He shall render every possible help during the investigation as and when called upon,
 4. 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.
7. However, it is made clear that the concession of interim bail granted to the applicant/accused shall stand cancelled automatically and the bail bonds as well as surety bonds furnished on his behalf shall be forfeited if on the basis of report of Chemical Examiner, the contraband allegedly recovered from the possession of the applicant/accused is found to be falling in the commercial quantity. In case, contraband allegedly recovered from the possession of the accused found is to be

falling in non-commercial quantity, the interim order shall be confirmed automatically and bail bonds and surety bonds furnished by him as per this order shall be ordered to be treated as bail bonds and surety bonds against the final order. The applicant/accused is further directed to surrender in the Court in case contraband allegedly recovered from his possession falls in commercial quantity on receipt of report of the Chemical Examiner. Learned Illaqa/Duty Magistrate is directed to send the bail bonds and surety bonds furnished by the applicant/accused to this Court after its attestation. Copy of this order be sent to the learned Illaqa/Duty Magistrate for compliance under the signatures of Reader. Police record be returned. Bail application be consigned to the record room. Copy of this order be attached with the remand papers/main case, if any.

Pronounced in open Court:-

Dated: 26.09.2025

Ty. by Sohan Lal STG-I

**(Pushpinder Singh)
Judge, Special Court,
Rupnagar [UID No.PB00285]**

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Sh. Sukhwinder Singh Saini, learned Additional Public Prosecutor for the State/respondent.

Police record produced and perused.

Arguments heard. Vide my separate detailed order of even date, bail application has been allowed. The copy of this order be sent to the learned Illaqa Magistrate/Duty Magistrate for compliance. Bail bonds surety bonds so furnished be sent to this Court. Police record be returned. Bail application be consigned to the record room. Copy of this order be attached with the remand papers/main case, if any.

Pronounced in open Court:-

Dated: 26.09.2025

(Pushpinder Singh)
Judge, Special Court,
Rupnagar [UID No.PB00285]

Ty. by Sohan Lal STG-I