

**In the Court of Ms. Ravi Inder Kaur Sandhu,
Judge, Special Court, Moga.
(UID No. PB0186)**

C.I.S No.	BA/1960/2025
C.N.R. No.	PBMO01-004652-2025
Date of Institution	03.07.2025
Date of Order	14.07.2025

State

Versus

Rajinderpal Singh alias Shani son of Krishan Lal, resident of Geeta Colony, Moga.

....Accused/applicant.

FIR no.31 dated 07.02.2025
Under Section: 22/61/85/29 NDPS Act,
and 223 BNS,
Police Station: City South Moga.

Application under section 483 of BNSS.

Present; Shri Narinder Kumar, Advocate, counsel for the
 applicant/accused.
 Shri Amrit Mittal, Addl. Public Prosecutor for the State.

ORDER

 Heard on bail application under Section 483 of BNSS filed
by above named applicant/accused in the above noted case FIR.

2. Notice of the bail application was served upon the State and
record of the police station was requisitioned.
3. As per prosecution version, the present case FIR was registered
against the accused/applicant Rajinderpal Singh alias Shani son of Krishan Lal,
resident of Geeta Colony, Moga, on the basis of a secret information that he is
habitual of dealing in intoxicating tablets and now, he is also standing at link
road, Bukkanwala, for selling the intoxicating tablets and if a raid be conducted,
he can be apprehended along with intoxicating tablets.

Thereafter, he was apprehended in this case and from his conscious possession 1950 loose intoxicating tablets alongwith 70 strips of capsules each containing 10 capsules (total 700 capsules) mark Pregabalin IP 300 mg NEURO-300, B.No.SF210072, MFG.MAR.2023, EXP.FEB.2025, were recovered.

4. Arguments heard. Counsel for the accused/applicant argued that the accused/applicant is innocent and he has been falsely implicated in this case. He further argued that alleged recovered articles are only pain killers, normally recommended by doctors in routine. Thereby, he prayed for grant of bail to the accused/ applicant.

5. On the other hand, learned Addl. Public Prosecutor for the State has produced on record a copy of report of FSL, according to which, the contents of intoxicating tablets claimed to have been recovered from main accused in this case were found to be that of 'Tramadol', each tablet having average weight of 318 mg and the total weight of 1950 loose tablets as referred above, working out to be 620.10 gram containing salt 'Tramadol', which falls within the ambit of commercial quantity.

6. It was observed by Hon'ble the **Apex Court in State of Kerala V. Rajesh cited as AIR 2020 SC 721**, *"The scheme of Section 37 reveals that the exercise of power to grant bail is not only subject to the limitations contained under Section 439 CrPC, but is also subject to the limitation placed by Section 37 which commences with non-obstante clause. The operative part of the said section is in the negative form prescribing the enlargement of bail to any person accused of commission of an offence under the Act, unless twin conditions are satisfied. The first condition is that the prosecution must be given an opportunity to oppose*

the application; and the second, is that the Court must be satisfied that there are reasonable grounds for believing that he is not guilty of such offence. If either of these two conditions is not satisfied, the ban for granting bail operates.”

7. Neither there are reasonable grounds for believing that the accused is not guilty of such offence under the NDPS Act nor that he is not likely to commit any offence while on bail. Section 37 of the NDPS Act is a tool devised by the parliament to have a check on the menace of dangerous drugs flooding the market and a sine-qua-non for granting bail to the accused under the NDPS Act.

8. In view of bar contained in Section 37 of NDPS Act and as at this stage, there being nothing on the record to presume that the accused/applicant is innocent or that if released on bail, he shall not indulge into such like activities, the bail application in hand is dismissed.

9. Needless to mention that anything discussed herein above shall have no bearing, whatsoever, upon the merits of the case and the observations recorded herein above, if any, are solely for the purpose of disposal of the application in hand.

10. Papers of this bail application be tagged with the remand papers.

Date of order:14.07.2025
Ashwani, Stenographer-Gr.I

(Ravi Inder Kaur Sandhu)
Judge Special Court, Moga
(UID No. PB-0186)