

**IN THE COURT OF POONAM BANSAL,
JUDGE, SPECIAL COURT, GURDASPUR**

CIS No: BA/1985-2025
CNR No: PBGD01-004709-2025
Date of Decision: 19.05.2025

Heera Singh alias Hira Vs. State of Punjab

FIR No.10 dated 09.02.2025
Under Sections 18 and 29 of NDPS Act
Police Station:- Purana Shalla.

Bail application under Section 483 BNSS

Present: Sh. Bhuvnesh Mahajan, Advocate, counsel for applicant
Shri Vikram Kashyap, Ld. Additional P. P for State

ORDER

1. This order of mine shall dispose of an application having been filed by applicant-accused **Heera Singh alias Hira** seeking bail in view of provisions of Section 483 of BNSS in above noted FIR.
2. Notice of the application was issued to the State and the police record has been requisitioned.
3. Learned counsel for the applicant has argued that applicant is innocent and he has been falsely implicated in the present case on the basis of disclosure statement of co accused. Applicant/accused was not named in the FIR. The alleged recovery was not recovered from the applicant/accused. The alleged recovery 2.5 KG opium including plastic bag was not recovered from applicant/accused and it was planted upon him. Applicant/accused is in custody since 11.02.2025. The alleged recovery has already been effected and trial of the case will take sufficient

time and no useful purpose will be served by keeping accused under custody. Accordingly, he has prayed for grant of bail to the applicant.

4. Per contra learned Additional PP for the State opposed the bail application and prayed for its dismissal.

5. Rival contentions of both the sides have been heard and the record has been perused with due care and circumspection.

6. Perusal of police record produced before the court reveals that accused Darinder Sah and Bablu Yadav were apprehended and from their possession 750 grams of Opium was recovered. It has also surfaced in the case that during further investigation of the case it is disclosed by them that they had procured the opium from some unknown persons and had earlier even delivered some of the opium to present/accused Hira Singh and the present recovered quantity of 1.5 Kg. was also to be delivered to the present applicant/accused Hira Singh only.

In the present case, applicant/accused has been nominated on the basis of disclosure statement suffered by his co accused. Co accused of applicant/accused namely Dharinder Shah and Bablu Yadav have been specifically found to be in possession of 750 grams of opium each and they have disclosed their direct nexus of drugs smuggling along with one Hira Singh for whom they were to deliver the same. 2.5 KG Opium was also recovered from applicant/accused separately. The bail application of co accused of applicant/accused

has already been dismissed by this court vide order dated **19.03.2025** passed in BA No.850 of 2025 So, on in all commercial quantity of Opium has been recovered and in circumstances as such the fact that applicant is to be considered in separate possession of the contraband and no in conscious possession of the whole quantity would be matter of trial. At this stage, the deep nexus of applicant along with their handlers Dharinder Shah and Bablu have been surfaced and rigors of Section 37 would certainly come into play. Section 37 bars the grant of bail in case of commercial quantities. So, keeping in mind the commercial nature of the quantity and also the aspect that the menace of drugs is even otherwise eating into the vital of society and it has to be dealt with stern hands. Mere length of custody is no ground to grant bail to the applicant/accused. Hence, considering the seriousness and gravity of the allegations, no ground is made out to grant concession of bail to the applicant. Accordingly, the present bail application filed by the applicant stands dismissed. Papers be attached with the main file/challan whenever same shall be presented.

Pronounced
Dated:-19/05/2025.
Prem Kumar, Stenographer-II

(Poonam Bansal)
Judge, Special Court,
Gurdaspur (UID No. PB00190)

