

**IN THE COURT OF SHRI RAKESH KUMAR GUPTA,
JUDGE, SPECIAL COURT, BARNALA (UID NO. PB0124)**

CIS No. BA/1931/2025
CNR No. PBBR01-005269-2025
Decided on : 26.11.2025

State

Versus

Vijay Kumar alias Prince son of Ram
Kumar alias Ram Gopal son of Walaiti
Ram resident of near Chotta Chowk,
Bhadaur, District Barnala.

....Accused/Applicant

FIR No. 83 dated 21.09.2025
U/s 21, 22, 29 of NDPS Act, 1985
P.S. Bhadaur.

Bail Application Under Section 483 of BNSS, 2023.

Present : Sh. S.D. Bansal, Advocate Counsel for applicant.
Sh. Shiv Kumar Garg, Addl.PP for the the State.

ORDER:

1. Applicant/accused Vijay Kumar alias Prince, has filed the present application under section 483 of BNSS, for grant of regular bail, in the above F.I.R.
2. Notice of it was given to the respondent/State. Addl. PP is present on behalf of the State and contested the same.
3. **I have heard the learned counsel for applicant/accused, learned Addl.PP for the State and with their able assistance, perused the record.**
4. Learned counsel contends that the applicant/accused is innocent and has been falsely implicated in the present case. Nothing was recovered from him. The applicant/accused is in judicial custody since 09.10.2025. The conclusion of trial will take time and it shall serve no useful purpose, by detaining the applicant behind the bars for indefinite period. He is ready to face trial and to abide by the terms and conditions of bail, to be imposed upon him. Hence, he has prayed for grant of regular bail.
5. As per version of the prosecution, on 21.09.2025, ASI Baljit Singh along-with police party, was on the way from village Nainewal to Bir road, Bhadaur, in connection with patrolling and checking of suspected persons. When the police party reached at Bir road near bridge drain, at about 5:35 PM where two persons were frolicking something in the transparent polythene envelope. The tablets were clearly visible in the transparent polythene envelope. On seeing the police party, they became

nervous and tried to run away. ASI Baljit Singh apprehended those fellows i.e. Kuldeep Singh alias Mali and Jagsir Singh alias Jagga and from their possession, 46 loose tablets and 113.80 grams intoxicant powder were recovered and taken into police possession, as per rules. They were arrested at the spot. Upon that, FIR was registered against them. The above said intoxicant tablets were sent to the Chemical Examiner, the report of which has now received.

During interrogation, on 23.09.2025, Navdeep Singh alias Jashan and Prince (applicant/accused) were nominated as accused in this case and offence under Section 29 of NDPS Act was added and they were arrested on 09.10.2025.

On 10.10.2025, during interrogation of applicant/accused Vijay Kumar alias Prince, Khushkaran Singh alias Khushi was also nominated as accused in this case and he was arrested on 13.10.2025.

6. As per the FSL report, the recovered tablets are found containing salt “**Etizolam**” and the weight of one tablet is 191 mg. Thus, the total weight of the recovered 46 intoxicant tablets comes to 9.01 grams which amounts to commercial quantity under the NDPS Act, 1985. The applicant has been implicated under Section 29 of the NDPS Act and is prima facie liable under Section 22 read with section 29 of NDPS Act.

7. As per section 29 of the NDPS Act, whoever abets or is a party to a criminal conspiracy to commit, an offence punishable under Chapter IV of the NDPS Act, shall, whether such offence be or be not committed in consequence of such abetment or in pursuance of such criminal conspiracy, be punishable with the punishment provided for the substantive offence i.e. section 22 of the NDPS Act.

8. To check the menace of dangerous drugs flooding the market, Parliament has provided that the person accused of offences under the NDPS Act should not be released on bail during trial unless the mandatory conditions provided in Section 37 i.e. (i) there are reasonable grounds for believing that the accused is not guilty of such offence; (ii) that he is not likely to commit any offence while on bail, are satisfied.

9. The Hon’ble Supreme Court of India in Union of India v. Ajay Kumar Singh @ Pappu (SC) : Law Finder Doc Id # 2174237 (D/d. 28.03.2023) has held that in view of the provisions of Section 37 of the NDPS Act, 1985, it is implicit that no person accused of an offence involving trade in commercial quantity of narcotics is liable to be released on bail unless the Court is satisfied that there are reasonable grounds for believing that he is not guilty of such an offence and that he is not likely to commit any offence while on bail.

10. The recovery effected from the co-accused falls within the ambit of commercial quantity. The applicant is also an accused under Section 29 of the NDPS Act, for having hatched a criminal conspiracy with the other co-accused, for possessing the commercial quantity of contraband. The recovery of commercial quantity under the NDPS Act, is punishable with imprisonment of not less than 10 years and thus, is a heinous offence.

There is nothing on record to satisfy the Court that there is any reasonable ground for believing, at this stage, that applicant/accused is not guilty of such offence and that he is not likely to commit such offence while on bail, as required under Section 37 of the said Act. Hence, no benefit for the contentions advanced by learned counsel for the applicant, can be extended to him.

11. **Thus, taking into consideration the nature of allegations and the recovery of commercial quantity of contraband in this case and rigors of section 37 of the Act, the applicant/accused is not entitled for bail. Hence, the bail application is, hereby, dismissed.**

12. *Nothing expressed herein-above, shall be construed as an expression of my opinion, on the merits of the main case.*

Papers of this bail application be attached with the remand papers.

Pronounced : 26.11.2025

(Rakesh Kumar Gupta),
Judge, Special Court,
Barnala. (UID No.PB-0124)

Rajiv Kumar JW-I