

229 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-35301-2023
Date of Decision:27.07.2023

Nitin Dhiman @ Neena

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Lakshay Bector, Advocate,
for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

N.S.Shekhawat J. (Oral)

The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail to him in case FIR No.123 dated 23.12.2022 (Annexure P-1) registered under Sections 22, 29 of NDPS Act, at Police Station, Division No.1, District Ludhiana.

As per case of the prosecution, at about 2.00 p.m. on 23.12.2022, a police party had put barricade for special checking under the supervision of ACP Ramandeep Singh Bhullar, PPS at Jagraon Bridge and a motorcycle was noticed coming from the opposite side. Three persons were riding the said motorcycle and on seeing the police party, they got perplexed and were stopped by the police party. When the search was conducted, 17 strips of tablets Alprazolam 0.5 mg APRASAFE 0.5 mg bearing batch No. PCCAA668 were recovered. Each of the strip was containing 16 tablets and total 1020 tablets were recovered from the said three accused persons.

Learned counsel for the petitioner contends that the petitioner was not named in the present FIR and was named by his co-accused in their disclosure statements. Even as per the said disclosure statement, the contraband, which was allegedly recovered from the co-accused, was to be delivered to present petitioner. He further contends that except the disclosure statements suffered by the co-accused of the petitioner, there is no other evidence against him. The petitioner was arrested in the present case on 23.12.2022. He further contends that similarly placed co-accused, namely, Vivek Gill alias Vicky has been granted the concession of bail by this Court vide order dated 07.07.2023 in CRM-M-31088 of 2023 (Annexure P-2).

On the other hand, learned State counsel has vehemently opposed the grant of concession of bail to the present petitioner. However, he does not dispute the fact that there is no other case against the present petitioner and conclusion of the trial will take quite a long time.

I have heard the learned counsel for the parties and perused the record.

Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

(N.S.SHEKHAWAT)
JUDGE

27.07.2023
hemlata

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No