

2023:PHHC:136520

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM M-40670 of 2023
Date of Decision: 19.10.2023

Nishan Singh

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Amandeep Singh Manaise, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.104 dated 08.06.2023 registered under Sections 18(b), 25 & 27(a), 29 of the NDPS Act, at Police Station Dinanagar, District Gurdaspur.

2. As per the case of the prosecution, a police party was on patrolling duty and found that one scooter was parked near a truck and two persons were present in the truck. On noticing the police party, one of them jumped out of the window of the truck, but he fell down. The said person was carrying a polythene bag and he disclosed his name as Nishan Singh. Another person was found sitting in the

truck and he disclosed his name as Manjit Singh. During search, 800 grams of opium was recovered from Nishan Singh, present petitioner, whereas, the drug money of Rs.17,200/- was recovered from Manjit Singh.

3. Learned counsel for the petitioner contends that the petitioner was arrested in the present case on 08.06.2023 and 800 grms of opium was shown to be recovered from him. He further contends that the alleged recovery from the petitioner was non-commercial in nature and the rigors of Section 37 of the NDPS Act would not apply to the facts of the present case. He further submits that co-accused Manjit Singh has already been granted the concession of bail vide order dated 19.09.2023 passed by this Court and he is also entitled to the concession of bail.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that there are two more more cases against the petitioner; one case is under the provisions of the NDPS Act, but he is on bail in the said case and another under Section 307 IPC, in which, he has been acquitted by the trial Court.

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

6. It is not in dispute that the petitioner was arrested in the present case on 08.06.2023 and is in custody for the last more than 03

months. Even though, the police had registered one more case under NDPS Act against the petitioner, but he is on bail in the said case.

7. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

19.10.2023

(N.S.SHEKHAWAT)

amit rana

JUDGE

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