

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-52665-2023
Date of Decision.:02.11.2023

Nitish Bishnoi
Vs.
State of Punjab

.....Petitioner
.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Abhinav Sood, Advocate
for the petitioner.

DEEPAK GUPTA, J. (ORAL)

The petitioner is seeking regular bail by way of petition filed under Section 439 Cr.P.C in case FIR No.72 dated 25.08.2023 registered under Sections 21, 22, 29 of NDPS Act, 1985, & Section 25 of Arms Act, 1959 (added subsequently) registered at Police Station Dhakoli, District SAS Nagar.

2. The contention of learned counsel for the petitioner is that on the basis of secret information initially three persons i.e. petitioner, Saleem and Abhijit Dhiman were apprehended and allegedly, from the possession of the petitioner 07 gram cocaine along with a pistol, ₹35,000/- as drug money and two live cartridges besides some gold & silver articles were recovered. Learned counsel contends that separate recoveries were effected from co-accused and then on the basis of disclosure statement suffered by them, 03 more accused were nominated from whom different recoveries were effected. Learned counsel contends that recovery from the petitioner falls under non-commercial category but learned Special Court has added the

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recovery of all 06 accused to observe that it was of commercial category.

3. Learned counsel further pointed out that similarly placed co-accused Saleem and Abhijit Dhiman have already been allowed by the Special Court bail vide order dated 21.09.2023 and 26.09.2023 respectively as Annexure P-5 & Annexure P-6. It is specifically stated on behalf of the petitioner that petitioner is not involved in any other case of similar nature.

4. Notice of motion.

5. Mr. M.S. Nagra, AAG, Punjab accepts notice on behalf of respondent- State.

6. Learned State counsel submits that it is at the instance of the petitioner that the other co-accused were also nominated and arrested and recoveries were effected. However, learned State counsel could not refute the contention that similarly placed co-accused Saleem and Abhijit Dhiman have already been allowed bail. It is also not disputed that individual recovery from the petitioner is only of 07 gram of Cocaine which falls under the non-commercial category. Petitioner is in custody since 25.08.2023.

7. Having regard to the above facts and circumstances and on the basis of parity also, but without commenting anything further on the merits of the case, this petition is allowed and petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

(DEEPAK GUPTA)
JUDGE

November 02, 2023

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No