



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

233**CRM-M-46452-2024****Date of Decision: 23.09.2024**

Brijesh Kumar Gupta

...Petitioner

Vs.

State of Haryana

...Respondent

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

Present : Mr. Satbir Singh Kanwar, Advocate for
Mr. Neeraj Saini, Advocate, for the petitioner.

Mr. Rajinder Kumar Banku, DAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of the Bharatiya Nagrik Suraksha Sanhita, 2023 with a prayer to grant a regular bail in case FIR No.92 dated 22.02.2024 registered under Sections 22(c) and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 IPC at Police Station Khedki Daula, District Gurugram (Annexure P-1).

2. Learned Counsel for the petitioner contends that in the present case, co-accused Praveen was arrested by the police at the spot, while he was carrying 80 packets of Dicyclomine Hydrochloride, Tramado Hydrochloride and Acetaminophen Capsules, which was found to be 11520 capsules. He further contends that the petitioner was neither named in the secret information nor he was apprehended at the spot. He further contends that the petitioner has been nominated as an accused in the present case only on the basis of the statement suffered by his co-accused namely Rishabh Tiwari @ Arjun in the police custody and apart from such statement, there is no evidence against the petitioner. He further contends that Rishabh Tiwari @ Arjun has already been granted the concession of

bail by this Court vide order dated 14.08.2024 in “CRM-M-38200-2024” titled as “*Rishabh Tiwari @ Arjun Vs. State of Haryana*” (Annexure P-2). Even the trial is firmly commenced against the petitioner.

3. 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 serious allegations against the petitioner and the petitioner is not entitled for the concession of regular bail.

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

5. The petitioner was arrested in the present case on 27.02.2024. Even no recovery was effected from the petitioner and is case is at par with the co-accused namely Rishabh Tiwari @ Arjun, who has already been admitted to bail by this Court.

6. In view of the said discussion, the 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.

23.09.2024

(N.S.SHEKHAWAT)

M.Sikka

JUDGE

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