HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Misc. Second Bail Application No. 8012/2020

Ravi Gehlot S/o Prem Ratan Gehlot, Aged About 37 Years, R/o Ward No.5, Street No. 3, Rampura Basti, Lalgarh, Police Station Bikaner, Tehsil And District Bikaner.

(At Present Lodged In Sub Jail, Anupgarh).

----Petitioner

Versus

The State Of Rajasthan through Public Prosecutor

----Respondent

CONNECTED WITH

S.B. Criminal Misc. Third Bail Application No. 5865/2020

Radheshyam S/o Bhup Ram, Aged About 22 Years, By Caste Vishnoi, R/o 3 KND, Tehsil Rawla, District Sri Ganganagar, Raj.

(At Present Lodged At Sub Jail Anoopgarh).

----Petitioner

Versus

State of Rajasthan

----Respondent

S.B. Criminal Misc. Third Bail Application No. 5867/2020

Girdhari Lal S/o Hansraj, Aged About 30 Years, By Caste Kumhar, R/o 7 MLD, Tehsil Gharsana, District Sri Ganganagar.

(At Present Lodged In Sub Jail, Anupgarh).

----Petitioner

Versus

The State of Rajasthan

----Respondent

For Petitioner(s)	:	Mr. D.S. Thind (through VC) Mr. B.R. Godara (through VC)
For Respondent(s)	:	Mr. Mohd. Javed Gauri, P.P.

HON'BLE MR. JUSTICE VIJAY BISHNOI

Order

17/12/2020

Heard learned counsel for the petitioners as well as learned Public Prosecutor and also perused the material on record.

The petitioners have been arrested in FIR No.236/2018 of Police Station Nai Mandi Gharsana, District Sri Ganganagar for the offences punishable under Sections 8/18, 8/21, 21, 25 and 29 NDPS Act. They have preferred these bail applications under Section 439 Cr.P.C.

Learned counsel for the petitioners have submitted that after rejection of earlier bail applications of the petitioners, the statements of around six prosecution witnesses including Investigating Officer (PW-6) have been recorded before the trial court. It is submitted that none of the petitioners was apprehended by the police with the alleged tablets containing narcotic substance. It is also submitted that as per the prosecution story, the alleged tablets containing narcotic substance were found abandoned, however, it was claimed that two persons, who were carrying the same on a motorcycle, fled from the scene of crime. It is submitted that from the statements of Investigating Officer (PW-6), it is clear that nobody has identified those two persons, however, Sita Ram and Radheshyam have been named as accused only on the basis of the statements

of Anuj Kumar, who is the registered owner of the motorcycle, which was seized by the police. Learned counsel for the petitioners have submitted that no call details or any other evidence to connect the accused petitioners with the commission of crime have been collected by the police. It is also submitted that so far as Girdhari Lal is concerned, he has been made accused only on the basis of the statements of co-accused persons viz. Sita Ram and Radheshyam while in police custody. It is further submitted that Ravi Gehlot has been made accused only on the basis of the statements of co-accused Girdhari Lal while in police custody. Learned counsel for the petitioners while inviting my attention towards the statements of Investigating Officer (PW-6) have argued that from the evidence of the statements of Investigating Officer (PW-6), it is clear that there is no material available on record to connect the accused petitioners with the commission of crime except the information or statements have been given by the co-accused persons or private persons while in police custody. It is, therefore, submitted that from the above, it is clear that the petitioners have falsely been implicated in this case.

Learned Public Prosecutor has opposed the bail applications.

Having regard to the totality of the facts and circumstances of the case, without expressing any opinion on the merits of the case, I deem it just and proper to grant bail to the accused petitioners under Section 439 Cr.P.C.

Accordingly, these bail applications filed under Section 439 Cr.P.C. are allowed and it is directed that petitioners - Ravi Gehlot S/o Prem Ratan Gehlot, Radheshyam S/o Bhup Ram and Girdhari Lal S/o Hansraj shall be released on bail in connection with FIR

No.236/2018 of Police Station Nai Mandi Gharsana, District Sri Ganganagar provided each of them executes a personal bond in a sum of Rs.50,000/- with two sound and solvent sureties of Rs.25,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(VIJAY BISHNOI),J

Abhishek Kumar
S.Nos.14 to 16

RAJASTHAN HIGH COURT
सत्यमेव जयते