HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S. B. Criminal Misc. Bail Application No. 6641/2020

Magan S/o Shri Lalji Patidar, aged about 55 years, R/o Vamasa P.S. Sagwara, District Dungarpur, Rajasthan.
(Presently lodged in Sub Jail, Sagwara, District Dungarpur).

----Petitioner

Versus

State of Rajasthan

----Respondent

For Petitioner(s) : Mr. Vijay Kumar Gaur
For Respondent(s) : Mr. Laxman Solanki, P.P.

HON'BLE MR. JUSTICE VINIT KUMAR MATHUR

Order

23/07/2020

The present bail application has been filed under Section 439 of Cr.P.C. on behalf of the petitioner who is in custody in connection with F.I.R. No. 80/2020, Police Station Sagwara, District Dungarpur for the offence under Section 8/18 of the N.D.P.S. Act.

Heard learned counsel for the petitioner and learned Public Prosecutor. Perused the material available on record.

Learned counsel for the petitioner submits that the recovery in the present case is 315 kgs. of opium plants from the present petitioner. He further submits that as per the Notification dated 16.07.1996 issued by the Central Government specifying the small and commercial quantity and Section 18(C) of the N.D.P.S. Act, the maximum punishment can be awarded to an accused for possessing opium plants is upto ten years and therefore, the

provisions of Section 37 of the N.D.P.S. Act are not applicable in the present case. He further submits that the charge-sheet in the case has already been filed and the conclusion of trial will take sufficient long time. He, therefore, prays that the petitioner may be enlarged on bail.

Learned Public Prosecutor opposes the bail.

Having regard to the facts and circumstances of the case and upon a consideration of the arguments advanced, this Court is of the opinion that the bail application filed by the petitioner deserves to be accepted.

Consequently, the present bail application under Section 439 of Cr.P.C. is allowed. It is ordered that the accused-petitioner - **Magan S/o Lalji Patidar** arrested in connection with F.I.R. No. 80/2020, Police Station Sagwara, District Dungarpur shall be released on bail provided he furnishes a personal bond of Rs.1,00,000/- (Rupees: One Lac Only) with two sureties of Rs.50,000/- (Rupees : Fifty Thousand Only) each to the satisfaction of the learned trial court with the stipulation to appear before that Court on all dates of hearing and as and when called upon to do so.

(VINIT KUMAR MATHUR),J

88-Inder/-