HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 8631/2020

Ajeez Khan @ Azzu S/o Sharif Khan, Aged About 30 Years, R/o Mata Kheda, Police Station Dungla, District Chittorgarh.
(Lodged In Bali Jail, Dist. Pali).

----Petitioner

Versus

State Of Rajasthan, Through P.p.

----Respondent

For Petitioner(s)	:	Mr. Om Prakash Joshi through video conferencing on 'Cisco Webex app'
For Respondent(s)	:	Mr. S.K. Bhati, PP

HON'BLE MR. JUSTICE VINIT KUMAR MATHUR

Order

08/12/2020

Lawyers are not appearing in the Court in view of the unprecedented situation being faced by the country due to pandemic of novel corona virus (COVID-19).

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.3/2020, Police Station Khivada, District Pali for the offence under Sections 8 and 15 of the Narcotropic Drugs and Psycotoropic Substance Act, 1985.

Heard learned counsel for the parties. Perused the material available on record.

Learned counsel for the petitioner submits that the charge-sheet in the case has been filed. He further submits that the petitioner is facing incarceration for the last more than seven months. He further submits that there is no cogent evidence in the

present case to connect the present petitioner with the recovery of contraband in question. He further submits that neither the present petitioner was found on the spot from where the contraband has been recovered nor there are any call details with the principal accused persons from whom, the recovery of contraband has been effected. There are no call details showing any connectivity of the petitioner of the offence alleged in this case. The conclusion of trial will take sufficient long time. Therefore, it is prayed that the petitioner may be enlarged on bail.

Learned Public Prosecutor opposes the bail application.

Having regard to the peculiar facts and circumstances of the case as also the present situation of the country due to pandemic of corona virus (COVID-19), in particular the jails, this Court deems it just and proper to release the petitioner on bail.

Consequently, the present bail application filed under Section 439 of Cr.P.C. is allowed. It is ordered that the accused-petitioner –**Ajeez Khan @ Azzu S/o Sharif Khan** arrested in connection with F.I.R. No. 3/2020, Police Station Khivada, District Pali 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 : Fift 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

1-Payal/-