HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Misc. 2nd Bail Application No. 12809/2020

Bahadur S/o Udai Lal, Aged About 30 Years, R/o. Baseda, P.s. Choti Sadri, District Pratapgar (Rajasthan)
(At Present Lodged At District Jail, Pratapgarh).

----Petitioner

Versus

State of Rajasthan

----Respondent

For Petitioner(s)	:	Mr. R. K. Charan, through video conferencing on "Cisco Webex App"
For Respondent(s)	:	Mr. S. K. Bhati, PP

HON'BLE MR. JUSTICE VINIT KUMAR MATHUR

Order

05/12/2020

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 second 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.91/2020, Police station Choti Sadri, District Pratapgarh for the offences under Sections 8/15 & 29 of the N.D.P.S. Act.

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

Learned counsel for the petitioner submits that after the rejection of the first bail application of the petitioner by this Court on 10.08.2020, the charge-sheet in the case has been filed. He further submits that the petitioner was not present on the spot from where the recovery of contraband has been made. The only

evidence in shape of two witnesses namely Gopal Lal and Arjun, who stated before the Investigating Agency that the present petitioner fled from the spot, have been examined before the learned trial Court as PW-1 & PW-2. Both have not supported the prosecution case and thus they have been declared hostile. He further submits that there is no concrete evidence in the present case to show the involvement of the present petitioner with the recovery of contraband in question. Therefore, he prays 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 second bail application filed under Section 439 of Cr.P.C. is allowed. It is ordered that the accused-petitioner - **Bahadur S/o Udai Lal** arrested in connection with F.I.R. No.91/2020, Police station Choti Sadri, District Pratapgarh 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

13-SunilS/-