



Judge, Jind, vide order dated 23.11.2023(Annexure P-3). He further contends that the petitioner has been falsely involved in the present case at the instance of ASI Sudhir, Police Station Sadar, Safidon.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that earlier the petitioner was in custody in some other case and in the present case, his total custody have been counted to be only six days. However, it is an admitted fact that the petitioner was arrested on 09.02.2024 and is in custody since then. She further contends that the petitioner has already been convicted in two cases under NDPS Act.

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

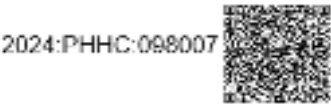
5. In the present case, admittedly, 400 grams of opium, 3 kg and 372 grams of poppy straw was recovered from the co-accused Malkinder Singh, who has already been admitted to bail by the Court of Additional Session Judge, Jind. Still further, the petitioner was arrested in the present case on 09.02.2024 and no recovery was effected from him. No doubt, other FIRs have been ordered to be registered against the petitioner, but the petitioner cannot be denied the concession of bail in the present case only on the ground that the petitioner has been able to make out a case for grant of bail in the facts and circumstances of the present case. The reliance can be placed on the law laid down by the Hon'ble Supreme Court in the matter of "***Prabhakar Tewari Vs. State of U.P., and another***" 2020(1) R.C.R. (Criminal) 831 where it has been held that the pendency of several criminal cases against the accused cannot be the basis to refuse the prayer of bail. Similar observations have been made by



the Hon'ble Supreme Court in the matter of “***Maulana Mohd. Amir Rashadi Vs. State of U.P., and another***” 2012(1) R.C.R. (Criminal) 586.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

- (i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade his to disclose such facts to the Court or to any other authority.
- (ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.
- (iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.
- (iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.
- (v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.
- (vi) In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.
- (vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in



accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

01.08.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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