HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous Bail Application No. 10789/2024

Mularam S/o Sonaram, Aged About 28 Years, R/o Panoni, Dhatarwalon Ki Dhani, Nimbalkot, Police Station Rgt Nagar, District Barmer (Raj.). (At Present Confined In Sub Jail Kotputli District Jaipur).

----Petitioner

Versus

State Of Rajasthan, Through PP

----Respondent

Connected With

S.B. Criminal Miscellaneous Bail Application No. 11200/2024

Ashok Kumar S/o Sarjeet Singh, Aged About 38 Years, R/o Harpalu Ramdhan, Police Station Hamirwas, District Churu, Rajasthan. (At Present In Central Jail Jaipur, District Jaipur).

----Petitioner

Versus

State Of Rajasthan, Through PP

----Respondent

For Petitioner(s)	:	Mr. Manjeet Kumar Ms. Anushree Sharma
For Respondent(s)	:	Mr. M.S. Shekhawat, PP

HON'BLE MR. JUSTICE ANIL KUMAR UPMAN

Order

12/12/2024

1. These instant bail applications have been filed under Section 483 of BNSS, on behalf of the petitioners, who have been arrested in connection with FIR No.286/2023 registered at Police Station Manoharpur, District Jaipur Rural (Raj.) for the offences punishable under Section 19/54 of Rajasthan Excise Act. Later on, police has filed charge-sheet for the offences punishable under Sections

19/54 & 54(A) of Rajasthan Excise Act and Section 420 of IPC in this matter.

2. It is contended by learned counsel for the petitioner that the accused-petitioners have falsely been implicated in this case. Learned counsel submits alleged offence is triable by Magistrate. Counsel submits that petitioners were not apprehended at the spot. Counsel submits that charge-sheet has been filed in this matter. Petitioners Mularam and Ashok Kumar are in custody since 31.07.2024 & 25.08.2024 respectively. Further custody of the petitioner would not serve any fruitful purpose.

3. Learned Public Prosecutor opposes the submissions made by the counsel for the petitioners. He submits that there are 2-2 other cases registered against the petitioners.

4. I have considered the contentions.

5. Having regard to the totality of the facts and circumstances of the case; considering the arguments advanced by learned counsel for the petitioners, especially the fact that alleged offences are triable by Magistrate; charge-sheet has been filed in this matter; looking to the custody period, but without commenting anything on the merits/demerits of the case, I deem it proper to allow the bail application.

6. These bail applications are accordingly allowed and it is directed that accused-petitioners **Mularam S/o Sonaram & Ashok Kumar S/o Sarjeet Singh** shall be released on bail provided they furnishes a personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) together with two sureties in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each to

the satisfaction of the learned Trial Court with the stipulation that they shall appear before that Court and any court to which the matter is transferred, on all subsequent dates of hearing and as and when called upon to do so.

7. It is made clear that the accused-petitioners shall not involve in any other offence(s) during currency of the bail and they shall mark their presence on first Monday of every three month in the concerned police station.

8. If any breach of these conditions is reported or come to the notice of the Court, the same shall alone be a reason for the trial court to cancel the bail granted to them by this Court.

9. Office is directed to send copy of this order forthwith to the accused petitioners through concerned Jail Superintendent. Office is also directed to send copy of this order to the concerned trial court forthwith. After receiving copy of this order, the learned trial court shall intimate the accused petitioner regarding this bail granting order.

(ANIL KUMAR UPMAN),J

LALIT MOHAN /138-139