HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 3687/2024

1. Anmol S/o Sanjeev Kumar, Aged About 32 Years, R/o Khetaram Gali Ward No 07 Police Station Muktsar District Muktsar Punjab (At Present Lodged In Sub Jail Sardarshahar)
2. Mani S/o Lal Chand, Aged About 20 Years, R/o Mod Road Ward No 07 Police Station Muktsar District Muktsar Punjab (At Present Lodged In Sub Jail Sardarshahar)

----Petitioners

Versus

State Of Rajasthan, Through Pp

----Respondent

Connected With

S.B. Criminal Miscellaneous Bail Application No. 3688/2024

Shambhu Lal S/o Bagdi Ram, Aged About 28 Years, R/o Tumbadiya Police Station Sadas Tehsil Gangrar District Chittorgarh (At Present Lodged In Sub Jail Sardarshahar)

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

For Petitioner(s) : Mr. R.S. Choudhary
For Respondent(s) : Mr. Mahipal Bishnoi, PP

HON'BLE MR. JUSTICE FARJAND ALI

Order

27/03/2024

1. The jurisdiction of this Court has been invoked by way of filing the applications under Section 439 Cr.P.C. at the instance of accused-petitioners. The requisite details of the matter are tabulated herein below:

S.No.	Particulars of the Case	
1.	FIR Number	119/2024
2.	Concerned Police Station	Sardarshaher
3.	District	Churu
4.	Offences alleged in the FIR	Sections 8/15 & 25of the NDPS Act
5.	Offences added, if any	--

6.	Date of passing of impugned order	21.03.2024

2. It is contended on behalf of the accused-petitioners that the recovered contraband is well below demarcated commercial quantity. No case for the alleged offences is made out against them and they have been made accused based on conjectures and surmises. Their incarceration is not warranted. There are no factors at play in the case at hand that may work against grant of bail to the accused-petitioners. The embargo contained under Section 37 of NDPS Act is not attracted in this case.

3. Contrary to the submissions of learned counsel for the petitioners, learned Public Prosecutor opposes the bail application and submits that the present case is not fit for enlargement of accused on bail.

4. I have considered the submissions made by both the parties and have perused the material available on record. The recovered contraband is well below demarcated commercial quantity. In the given circumstances, the embargo contained under Section 37 of NDPS Act is not attracted in this case. There is high probability that the trial may take long time to conclude. In light of these facts and circumstances, it is deemed suitable to grant the benefit of bail to the petitioners in the present matter.

5. Accordingly, the instant bail applications under Section 439 Cr.P.C. are allowed and it is ordered that the accused-petitioners as named in the cause title shall be enlarged on

bail provided each of them furnishes a personal bond in the sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the learned trial Judge for their appearance before the court concerned on all the dates of hearing as and when called upon to do so.

(FARJAND ALI),J

645-Samvedana/-