HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 7884/2024

Raju S/o Laxman Gayari, Aged About 28 Years, R/o Godala, Thana Kotwali Nimbaheda, Dist. Chittorgarh (At Present Lodged In Sub Jail, Chittorgarh)

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

For Petitioner(s)	:	Mr. Mangi Lal Vishnoi
For Respondent(s)	:	Mr. Rajesh Bhati, PP

HON'BLE MR. JUSTICE PRAVEER BHATNAGAR

THROUGH V.C.

Order

19/12/2024

The instant bail application has been filed under Section 439 Cr.P.C. on behalf of accused-petitioners. The petitioner has been arrested in connection with FIR No. 65/2022 registered at Police Station Bassi, District Chitorgarh for the offence(s) under Sections 8/15 of NDPS Act.

Learned counsel for the petitioner submits that accused-petitioner has falsely been implicated in this case. It is further contended that recovery of contraband articles containing 68.900 KG of poppy straw were effected from other co-accused Ajay, who has already been enlarged on bail by the co-ordinate Bench of this court vide order dated 09.01.2024. It is alleged against the accused-petitioner that he supplied contraband articles to other co-accused Ashok, who named the accused-petitioner in his disclosure statement. Apart from the disclosure statement of co-accused Ashok, there is no substantive evidence to the fact that the accused-petitioner supplied the aforesaid

quantity of poppy straw to co-accused Ashok and thereafter he supplied it to other co-accused Ajay. Accused-petitioner is in custody since 09.06.2024, trial of the case may take considerable time. Therefore, the benefit of grant of bail may be granted to the accused-petitioner.

Per contra, learned Public Prosecutor opposes the grant of bail application.

Heard and perused the material available on record.

Considering the fact that the recovery of contraband articles were effected from a car bearing registration No. RJ 27 CD 0484 containing weight of 68.900KG poppy straw from the possession of other co-accused Ajay @ Shubh Singh and Maya Bai, who have been enlarged on bail by co-ordinate Bench of this court vide orders dated 09.01.2024 and 04.05.2023 respectively and apart from the disclosure statement of co-accused Ashok, there is no substantive evidence available on record indicating the involvement of present accused-petitioner in the alleged crime. Accused-petitioner is in custody since 09.06.2024 and trial of the case will take considerable time. therefore, without expressing further anything on the merits of the case, I deem it just and proper to enlarge the accused-petitioner on bail.

Accordingly, the bail application under Section 439 Cr.P.C. is allowed and it is ordered that the accused-petitioner Raju S/o Laxman Gayari, in connection with FIR No. 65/2022 registered at Police Station Bassi, District Chitorgarh shall be enlarged on bail provided he 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 his appearance before the court concerned on all the dates of hearing as and when called upon to do so.

(PRAVEER BHATNAGAR),J

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