HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 14602/2024

Kishan S/o Shri Banwari Lal, Aged About 21 Years, R/o Jambheshwar Nagar Dist - Bikaner. (At Present Lodged In Central Jail, Bikaner).

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

For Petitioner(s) : Mr. Suresh Bishnoi
For Respondent(s) : Mr. Vikram Rajpurohit, Dy.G.A.

HON'BLE MR. JUSTICE FARJAND ALI

Order

19/12/2024

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

S.No.	Particulars of the Case	
1.	FIR Number	108/2024
2.	Concerned Police Station	Naya Shahar
3.	District	Bikaner
4.	Offences alleged in the FIR	Under Section 8/21 of the NDPS Act
5.	Offences added, if any	Section 29 of the NDPS Act
6.	Date of passing of impugned order	16.11.2024

2. It is contended on behalf of the accused-petitioner that the recovered contraband is well below demarcated commercial quantity. No case for the alleged offences is made out against him and he has been made an accused based on conjectures

and surmises. His 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-petitioner. 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 petitioner, 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 petitioner in the present matter.

5. Accordingly, the instant bail application under Section 439 Cr.P.C. is allowed and it is ordered that the accused-petitioner as named in the cause title 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.

(FARJAND ALI),J

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