HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Miscellaneous 2nd Bail Application No. 68/2024

Mori Bagha Bhai S/o Shri Veeja Bhai Rebari, Aged About 34 Years, R/o Gadiyawada Nesh, Porbandar, Baleshwar, Gujarat. (Petitioner Is In Judicial Custody In Central Jail, Bikaner).

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

For Petitioner(s)	:	Mr. SS Kheechar
For Respondent(s)	:	Mr. Mukesh Trivedi, PP

HON'BLE MR. JUSTICE MANOJ KUMAR GARG

Order

10/01/2024

The petitioner has been arrested in connection with FIR No.99/2023 of Police Station Jamsar, District Bikaner, for the offence punishable under Sections 19/54, 54D of Rajasthan Excise Act. He has preferred this second bail application under Section 439 Cr.P.C.

The first bail application was dismissed as not pressed on 06.10.2023 with liberty to file afresh after filing of the challan.

Learned counsel for the petitioner submits that challan of the case has already been presented and the offences are triable by the Magistrate. The accused-petitioner is in judicial custody and the trial of the case will take sufficient long time to be concluded. Therefore, the benefit of bail should be granted to the accused-petitioner.

Learned Public Prosecutor has opposed the second bail application.

Having regard to the totality of the facts and circumstances of the case, without expressing any opinion on the merits of the case, I deem it just and proper to grant bail to the accused petitioner under Section 439 Cr.P.C.

Accordingly, the second bail application filed under Sec.439 Cr.P.C. is allowed and it is directed that petitioner Mori Bagha Bhai S/o Shri Veeja Bhai Rebari shall be released on bail in connection with FIR No.99/2023 of Police Station Jamsar, District Bikaner, provided he executes a personal bond in a sum of Rs.1,00,000/- with two sound and solvent sureties of Rs.50,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(MANOJ KUMAR GARG),J

295-MS/-