HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 362/2025

Ganesh Kumar S/o Moti Ram, Aged About 22 Years, R/o Harmada Tehsil Roopangarh, Dist. Ajmer, Raj. (Presently In Judicial Custody At Dist. Jail, Nagour)

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

For Petitioner(s) : Mr. Ram Prasad Singaria
For Respondent(s) : Mr. Shriram Choudhary, Addl. G.A.

HON'BLE MR. JUSTICE FARJAND ALI

Order

10/01/2025

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 matter are tabulated herein below:

S.No.	Particulars of the Case	
1.	FIR Number	67/2024
2.	Concerned Police Station	Nawa City
3.	District	Deedwana-Kuchaman
4.	Offences alleged in the FIR	Under Sections 8/15 and 8/25 of the NDPS Act
5.	Offences added, if any	-
6.	Date of passing of impugned order	06.01.2025

2. It is contended on behalf of the accused-petitioner that the recovered contraband is well below demarcated commercial quantity and that too has not been recovered from the petitioner. Co-accused have already been enlarged on bail by

this court. No case for the alleged offences is made out against the petitioner 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 and even that has not been recovered from the petitioner. Co-accused Rajendra and Tejaram have already been enlarged on bail by this court vide order dated 27.03.2024 passed in S.B. Criminal Misc. Bail Application No.3730/2024. 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 of the case and on the ground of parity, 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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