HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Miscellaneous II Bail Application No. 888/2025

Pushkardas S/o Shri Jagdishdas Vaishnav, Aged About 28 Years, R/o Bajani, Ps Rathanjana, Dist Pratapgarh. (Presently Lodged In Dist Jail - Chittorgarh Raj)

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

For Petitioner(s) : Mr. Ram Singh Rawal
For Respondent(s) : Mr. Vikram Rajpurohit, Dy.G.A.

HON'BLE MR. JUSTICE FARJAND ALI

Order

14/02/2025

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	48/2024
2.	Concerned Police Station	Sadar Nimbahera
3.	District	Chittorgarh
4.	Offences alleged in the FIR	Sections 8/29 of the NDPS Act
5.	Offences added, if any	--
6.	Date of passing of impugned order	24.10.2024

2. It is contended on behalf of the accused-petitioner that no case for the alleged offences is made out against him and 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 and he has been made an accused based on conjectures and surmises.

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. Have considered the submissions made by both the parties and have perused the material available on record. The similarly situated co-accused Kayum Shah has already been enlarged on bail by this Court vide order dated 03.02.2025. The case of the petitioner is totally identical then to the case of the above mentioned accused. Nothing is recovered from the petitioner and he has been made accused based on the statement of co-accused while in police custody. Thus, on the ground of parity and on the ground that the trial would still take a long time to conclude, 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

199-Samvedana/-