HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 1171/2025

Pintu Salvi S/o Shambhu Lal Salvi, Aged About 23 Years, R/o Saimaliya, P.s. Begu , Tehsil Begu , Dist Chittorgarh (Raj) (At Present Lodged At Sub Jail Begu , Dist Chittorgarh)

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

For Petitioner(s)	:	Mr. R.K. Charan
For Respondent(s)	:	Mr. N.K. Gurjar, AAG assisted by Mr. Surendra Bishnoi, AGA

HON'BLE MR. JUSTICE FARJAND ALI

Order

30/01/2025

1. The jurisdiction of this court has been invoked by way of filing an application under Section 439 CrPC 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	258/2023
2.	Concerned Police Station	Begu
3.	District	Chittorgarh
4.	Offences alleged in the FIR	Section 8/15 of the NDPS Act
5.	Offences added, if any	Section 8/29 of the NDPS Act
6.	Date of passing of impugned order	09.01.2025

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 heard and considered the submissions made by both the parties and perused the material available on record.

5. It is the case of the prosecution that on 23.09.2023, a Swift Car and a tempo were intercepted by the Police and Shrawan Singh and Nohar Das were in the car and Devendra Dholi was driving the tempo. 22 bags of contraband were recovered from the tempo. The weight of the said contraband was 451.320. The Parcha Kayami report, Seizure Memo and the FIR speak about interrogation made by the Seizing Officer Anupam Mishra, RPS from accusd Nohar Das, Shrawan Singh and Devendra Dholi. It is mentioned that they procured the poppy husk from one Bablu Patidar of Ramgarh, District Neemach, MP having mobile No.9406649129 and the same was to be supplied to one Poona Ram of Village Khejarla having Mobile No.8003674763.

6. The prosecution is silent as to how the name of the petitioner came in the picture regarding his involvement in the aforementioned transportation of contraband. After a subsequent stage, the other persons may have mentioned the name of the petitioner as a facilitator of the crime then on account of this nature of evidence whether an accused should be incarcerated for

an indefinite period may be legitimate or reasonable gr that he should be tried for the allegation but on the strength of quality of evidence, he cannot be permitted to be languished in jail until disposal of the trial. Embargo contained under Section 37 of the NDPS Act would not come in way of granting bail to the petitioner.

7. Considering the overall facts and circumstances of the case and looking to the high probability that the trial may take long time to conclude it is deemed suitable to grant the benefit of bail to the petitioner.

8. It is nigh well settled law that at a pre-conviction stage; bail is a rule and denial from the same should be an exception. The purpose behind keeping an accused behind the bars during trial would be to secure his presence on the day of conviction so that he may receive the sentence as would be awarded to him. Otherwise, it is the rule of Crimnal Jurisprudence that he shall be presumed innocent until the guilt is proved.

9. 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/she 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/her appearance before the court concerned on all the dates of hearing as and when called upon to do so.

(FARJAND ALI),J

90-Mamta/-