HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 15639/2024

Mohammad Ali @ Mohsin Khan S/o Sh. Mehboob Ali, Aged About 24 Years, R/o Street No. 5 Rjja Nagar Kishanpole Ps Surajpole Dist. Udaipur. (Lodged In Central Jail Udaipur)

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

Connected With

S.B. Criminal Miscellaneous Bail Application No. 11192/2024

Imran Dayar S/o Kamruddin, Aged About 37 Years, R/o House No. 383/34 Kalka Mata Road, Pahada, Ps Pratapnagar. Dist. Udaipur (Raj.) (At Present Lodged In Dist. Jail, Udaipur)

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

For Petitioner(s)	:	Mr. Firoz Khan Ms. Deepika Soni
For Respondent(s)	:	Mr. Urja Ram Kalbi, P.P.

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

13/01/2025

1. These applications for bail under Section 483 BNSS (Section 439 Cr.P.C.) have been filed by the petitioners who have been arrested in connection with F.I.R. No.427/2024 registered at Police Station Pratapnagar, District Udaipur for the offence under Sections 8/22, 8/29 of the NDPS Act.

2. Heard learned counsel for the petitioners and the learned Public Prosecutor. Perused the material available on record.

3. This Court vide order dated 24.10.2024 directed learned Public Prosecutor to call for the FSL report in respect of contraband recovered from the petitioners. In compliance of the order dated 24.10.2024 passed by this Court, learned Public Prosecutor has submitted FSL report in which it is indicated that the contraband recovered from the present petitioners is Mephedrone (MD).

4. Having gone through the FSL report, this Court *prima facie* finds that the contraband recovered from the present petitioners is below commercial quantity. This Court further *prima facie* finds that petitioners are in judicial custody and the investigation against them has already been concluded; the petitioners are not involved in any other case of similar nature and the prosecution has not shown any apprehension of the petitioner influencing the material prosecution witnesses of the case or tampering with the evidence or fleeing away from justice, in case he is enlarged on bail.

5. Having considered the rival submissions, facts and circumstances of the case, without expressing any opinion on merits/demerits of the case, this Court is of the opinion that the bail applications filed by the petitioners deserve to be accepted.

6. Consequently, these bail applications under Section 483 BNSS (Section 439 Cr.P.C.) are allowed. It is ordered that the accused-petitioners **(1) Mohammad Ali @ Mohsin Khan S/o Sh. Mehboob Ali** and **(2) Imran Dayar S/o Kamruddin** arrested in connection with F.I.R. No.427/2024 registered at Police Station Pratapnagar, District Udaipur, shall be released on bail, if

not wanted in any other case, provided each of them furnishes a personal bond of Rs.1,00,000/- and two sureties of Rs.50,000/- each, to the satisfaction of learned trial Court, for their appearance before that court on each & every date of hearing and whenever called upon to do so till completion of the trial.

7. It is however, made clear that findings recorded/observations made above are for limited purposes of adjudication of bail application. The trial Court shall not get prejudiced by the same.

8. A copy of this order be placed in each file.

(KULDEEP MATHUR),J

124-125/AnilKC/-