HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 1560/2025

Zakir S/o Jafar, Aged About 24 Years, R/o Lohar Coloy , Ayad , P.s. Bhupalpura , Dist Udaipur (Raj) (Presently Lodged In Central Jail Udaipur)

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

Connected With

S.B. Criminal Miscellaneous Bail Application No. 15009/2024

Sanjay @ Sanju S/o Madanlal, Aged About 22 Years, R/o Roop Sagar Kacchi Basti, P.s. Sukher, Dist Udaipur (Raj.). (Presently Lodged In Central Jail Udaipur)

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

For Petitioner(s)	:	Mr. Ojas Shakdwipeeya
For Respondent(s)	:	Mr. Shrawan Singh Rathore, PP

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

06/02/2025

These applications for bail under Section 439 Cr.P.C. (483 BNSS) have been filed by the petitioners who have been arrested in connection with F.I.R. No.638/2024 registered at Police Station Pratapnagar, District Udaipur, for the offences under Sections 8/29 of NDPS Act.

Heard learned counsel for the parties at Bar. Perused the material available on record.

This Court vide order dated 13.12.2024 directed the learned Public Prosecutor to call for the FSL report. In compliance of this Court's order dated 13.12.2024, learned Public Prosecutor has produced the FSL report before this Court.

From the perusal of the FSL report dated 09.01.2025, this Court finds that as per the FSL report, on micro chemical and instrumental analysis, the sample packed in the packet SA1 gave positve tests for the presence of mephedrone which is included in the list of psychotropic substance as per clause xxiii of Section 2 in the NDPS Act.

Learned counsel submitted that in view thereof, the recovered contraband is MD and the same is below commercial quantity. He further submitted that the petitioners are in custody and the trial of the case will take sufficiently long time, therefore, the petitioners deserves to be enlarged on bail.

Per contra, learned Public Prosecutor has vehemently opposed the bail application.

Having considered the rival submissions, facts and circumstances of the case, without expressing any opinion on merits/demerits of the case, this Court is inclined to enlarge the petitioners on bail.

Consequently, these bail applications under Section 439 Cr.P.C. (483 BNSS) is allowed. It is ordered that the accused-petitioners **(1) Zakir S/o Jafar and (2) Sanjay @ Sanju S/o Madanlal,** arrested in connection with F.I.R. No.638/2024 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.

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

(KULDEEP MATHUR),J

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