HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 11761/2024

Sheetal Kumar S/o Sh. Prahalad Dhakkad, Aged About 27 Years, R/o Kanwarpura, Javade Ps, Dist. Chittorgarh. (Lodged In Dist. Jail Chittorgarh)

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

Connected With

S.B. Criminal Miscellaneous Bail Application No. 11400/2024

Dalla Ram Jat S/o Sri Narana Ram Jat, Aged About 30 Years, R/o Uchavara, Shiv Police Station, Tehsil Shiv District Barmer. (Lodged In Central Jail, Chittorgarh)

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

S.B. Criminal Miscellaneous Bail Application No. 14959/2024

Vinod S/o Modu Ram Dhakar, Aged About 29 Years, R/o Kanwarpura,p.s. Jawda, Dist Chittorgarh. (At Present Lodged In Dist Jail Chittorgarh)

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

For Petitioner(s)	:	Mr. Deepak Menaria Mr. Vijay Raj Bishnoi
For Respondent(s)	:	Mr. Urja Ram Kalbi, PP

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

17/01/2025

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.23/2023, registered at Police Station

Jawda, District Chittorgarh, for offences under Sections 8/29 and 8/15 of NDPS Act.

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

As per the prosecution, on 31.05.2023, a police team of Police Station Jawda alongwith the SHO, during routine *nakabandi* at *Balaganj Chauraha* flagged down a white coloured Mahindra Bolero Pickup vehicle bearing registration No.RJ-06-GC-1540, however, the driver as well as one other person fled away from the scene. Constable- Govindram identified the person other than the driver to be the co-accused- Heeralal with the help of a torch while he was fleeing away from scene. Upon a search of the offending vehicle, the contraband (Poppy Husk/Straw) weighing 716 kgs. and 100 gms. was recovered in 43 plastic sacks.

Learned counsel for the petitioners submitted that the petitioners have been falsely implicated in the present case. Drawing attention of the Court towards the charge-sheet as well as the documents annexed therewith, learned counsel submitted that the co-accused- Heeralal has been arrested on 12.06.2024. Learned counsel submitted that as per the prosecution, the allegation against the petitioner- Vinod Kumar is that he alongwith the co-accused- Heeralal was plying the contraband in the offending vehicle upon the directions of the petitioner- Sheetal Kumar to be deposited to the petitioner- Dalla Ram Jat. Learned counsel submitted that the petitioners- Sheetal Kumar and Vinod have been implicated in the present case solely on the basis of the disclosure statements of the co-accused- Heeralal recorded under

Section 27 of the Indian Evidence Act and the petitioner- Dalla Ram Jat has been implicated in the present case on the basis of the disclosure statements of the petitioner- Sheetal Kumar. It was contended that there is no direct/circumstantial evidence available on record to connect the petitioners with the alleged crime; the recovery of the contraband was made from an abandoned vehicle; and the offending vehicle belonged to one Dinesh Chandra which allegedly got stolen a few days prior to the incident for which an FIR No.146/2022 was registered at Police Station Kankroli, District Rajsamand.

Lastly, learned counsel for the petitioners submitted that the petitioners are in judicial custody; the investigation against them has already been concluded; and the trial of the case will take sufficiently long time, therefore, the benefit of bail should be granted to the accused-petitioners.

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

Having considered the rival submissions, facts and circumstances of the case and upon a perusal of the charge-sheet as well as the documents annexed therewith, this Court prima facie finds that the present petitioners have been arrested in connection with the alleged crime solely on the basis of the disclosure statements of the co-accused- Heeralal who has been arrested after a delay of about 1 year from the date of the alleged incident. This Court also *prima facie* finds that the petitioners do not have any criminal antecedents; the investigation against them has already been concluded; the challan against them has already

been filed before the competent criminal Court; and the trial against the petitioners is not likely to be concluded in the near future. This Court also finds that the prosecution has not shown any apprehension of the petitioners involving themselves in a case of similar nature or fleeing away from justice, in case, they are enlarged on bail. Thus, 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) are allowed. It is ordered that the accused-petitioners- **(1) Sheetal Kumar S/o Sh. Prahalad Dhakkad, (2) Dalla Ram Jat S/o Sri Narana Ram Jat** and **(3) Vinod S/o Modu Ram Dhakar** arrested in connection with F.I.R. No.23/2023, registered at Police Station Jawda, District Chittorgarh, shall be released on bail, if not wanted in any other case, provided he 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 his 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

211-himanshu/-