HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 15400/2024

Dharmendra S/o Kailash Chand, Aged About 37 Years, R/o 9 Kumawatpura, Inside Surajpol, P.s. Surajpol, Dist Udaipur And 19 Koliwada Kumawatpura,p.s. Surajpol Udaipur (At Present Lodged In Cnetral Jail , Udaipur)

----Petitioner

Versus

State Of Rajasthan, Through PP

----Respondent

Connected With

S.B. Criminal Miscellaneous Bail Application No. 14993/2024

Mohammad Saddik S/o Manjoor Ahmad, Aged About 44 Years, R/o 19 Mewafarosh Marg, Kunjarwadi, Udaipur, P.s. Dhanmandi, Dist. Udaipur (At Present Lodged In Central Jail, Udaipur)

----Petitioner

Versus

State Of Rajasthan, Through PP

----Respondent

For Petitioner(s)	:	Mr. Rakesh Matoria. Mr. Gulam Moinuddin.
For Respondent(s)	:	Mr. Prem Singh Panwar, PP.

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

07/01/2025

These applications for bail under Section 483 of BNSS (439 Cr.P.C.) have been filed by the petitioners who have been arrested in connection with F.I.R. No.80/2024 registered at Police Station Kotda, District Udaipur, for the offences punishable under Sections 8/21 and 8/29 of the NDPS Act.

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

Learned counsel for the petitioners submits that co-accused persons namely Mukesh Kumar and Imran Shah have already been enlarged on bail by the competent criminal court vide order dated 31.07.2024. Learned counsel submitted that the case of the present petitioners is not distinguishable from that of the above named co-accused persons who have already been enlarged on bail. Learned counsel further contended that the contraband alleged to have been recovered from the petitioners is below commercial quantity.

Lastly, learned counsel submitted that the petitioners are in judicial custody and the trial of the case will take sufficiently long time, therefore, the benefit of bail may be granted to the accused-petitioners.

Per contra, learned Public Prosecutor has opposed the bail applications. However, he was not in a position to refute the fact that the case of the present petitioners is not distinguishable from that of the above named co-accused persons who have already been enlarged on bail.

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.

Consequently, these bail applications under Section 483 of BNSS (439 Cr.P.C.) are allowed. It is ordered that the accused-petitioners **(1) Dharmendra S/o Kailash Chand and (2) Mohammad Saddik S/o Manjoor Ahmad** arrested in connection with F.I.R. No.80/2024 registered at Police Station Kotda, 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.

A copy of this order be placed in each file.

(KULDEEP MATHUR),J

78-Tikam/-