HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 15060/2024

Puranmal Meena S/o Gaurishankar, Aged About 30 Years, R/o Sadar Bazar Keli, Nimbahera Dist Chittorgarh. (At Present Lodged In Central Jail, Jodhpur)

----Petitioner

Versus

State Of Rajasthan, Through PP

----Respondent

Connected With

S.B. Criminal Miscellaneous Bail Application No. 15061/2024

Laxman Singh S/o Veni Ram, Aged About 32 Years, R/o Suratpura P.s. Bhindar Dist Udaipur. (At Present Lodged In Central Jail , Jodhpur)

----Petitioner

Versus

State Of Rajasthan, Through PP

----Respondent

For Petitioner(s)	:	Mr. Birbal Ram Bishnoi.
For Respondent(s)	:	Mr. Hathi Singh Jodha, PP.

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

14/01/2025

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.521/2021 registered at Police Station Bilara, District Jodhpur, for the offences punishable under Sections 8/15, 25 and 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 as per the prosecution, contraband (poppy straw) weighing 112 Kgs. was recovered from the conscious possession of the co-accused persons namely Bharat and Shankar. Learned counsel submitted that the co-accused persons from whose conscious possession, the contraband greater than commercial quantity has been recovered, have already been enlarged on bail.

Learned counsel submitted that the petitioners have been implicated in the present case solely on the basis of information divulged by the above named co-accused persons under Section 27 of the Indian Evidence Act wherein, they had stated that the contraband recovered was to be supplied to the present petitioners. Learned counsel submitted that apart from the statements of the above named co-accused persons, there is no direct/circumstantial evidence indicating involvement of the petitioners in commission of the alleged crime.

Lastly, learned counsel submitted that the petitioners are in judicial custody; challan has already been filed 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 co-accused Bharat (S.B. Cr. Misc. 2nd Bail Application No.13106/2023) has already been enlarged on bail by a coordinate Bench of this Court vide order dated 29.04.2024 and the co-accused Shankar has also been granted bail by the competent criminal court.

Having considered the rival submissions, facts and circumstances of the case, this Court *prima facie* finds that no case

of similar nature is pending against the petitioners. This Court further finds that the contraband was not recovered from the conscious possession of the present petitioners and the above named co-accused persons from whose conscious possession, the contraband greater than commercial quantity was recovered, have already been enlarged on bail.

Thus, 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) Puranmal Meena S/o Gaurishankar and (2) Laxman Singh S/o Veni Ram** arrested in connection with F.I.R. No.521/2021 registered at Police Station Bilara, District Jodhpur, 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

83-84-Tikam/-