HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 15737/2024

Vishnu Sahu @ Vishnuram S/o Bijaram @ Bija Bishnoi, Aged About 31 Years, R/o Dhaka Ki Dhani, Jambhnagar, Ps Kaptada Teh. Bilara, Dist. Jodhpur. (Lodged In Sub Jail Pichiyak Bilara)

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

For Petitioner(s)	:	Mr. Ramniwas Bishnoi
For Respondent(s)	:	Mr. Sharwan Singh, PP

HON'BLE MR. JUSTICE VINIT KUMAR MATHUR

Order

30/01/2025

The present bail application has been filed under Section 439 Cr.P.C. on behalf of the petitioner who is in custody in connection with F.I.R. No.53/2021, Police Station Bengu, District Chittorgarh for the offences under Section 8/15 of NDPS Act.

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

It is submitted on behalf of the petitioner that no recovery has been effected from the petitioner as he was not found on the spot from where the contraband has been recovered. He submits that the petitioner has been implicated in the present case only on the statement of co-accused Ramniwas. He submits that charge sheet in the case has been filed. He submits that the co-accused Pukhram & Rakesh have already been granted bail by coordinate bench this Court vide orders dated 10.04.2023 & 29.03.2022

respectively and the case of the present petitioner is not distinguishable from the case of the co-accused who have already been released on bail by this Court.

The learned Public Prosecutor opposes the bail application but he is unable to distinguish the case of the present petitioner vis-a-vis the case of the co-accused persons who have been enlarged on bail.

Having regard to the facts and circumstances of the case and upon a consideration of the arguments advanced and considering the fact that the case of the present petitioner is identical to co-accused aforesaid who have been enlarged on bail by this Court, this Court is of the opinion that the petitioner is also entitled for the grant of bail under Section 439 Cr.P.C.

Consequently, the bail application filed under Section 439 Cr.P.C. is allowed. It is ordered that the accused-petitioner Vishnu Sahu @ Vishnuram S/o Bijaram @ Bija Bishnoi arrested in connection with F.I.R. No.53/2021, Police Station Bengu, District Chittorgarh, shall be released on bail; provided he furnishes a personal bond of Rs.1,00,000/-(Rupees: One Lakh Only) with two sureties of Rs.50,000/- (Rupees: Fifty Thousand Only) each to the satisfaction of the learned trial court with the stipulation to appear before that Court on all dates of hearing and as and when called upon to do so

(VINIT KUMAR MATHUR),J

113-SanjayS/-