HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 15948/2024

Kamlesh S/o Mani Ram, Aged About 31 Years, R/o Thalarka Tehsil Nohar Dist Hanumangarh. (At Present Lodged In Sub Jail , Nohar)

----Petitioner

Versus

State of Rajasthan, through PP

----Respondent

For Petitioner(s)	:	Mr. Rakesh Matoria
For Respondent(s)	:	Mr. Shrawan Singh Rathore, PP

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

27/01/2025

1. The instant bail application has been filed on behalf of the petitioner for releasing him for a period of sixty days on the ground of ailment of his wife. Petitioner is being tried for an offence punishable under Sections 8/15 and 25 of NDPS Act.

2. Learned counsel for the petitioner contends that the petitioner’s wife is suffering from arthritis and presently she is undergoing treatment at Bikaner. Being the husband, petitioner is required to stay with his wife and, therefore, he may be enlarge on bail for a period of two months.

3. Per Contra, learned Public Prosecutor has opposed the interim bail application. Learned Public Prosecutor submitted that the petitioner is a habitual offender. He contended that contraband (poppy husk/straw) weighing 171 Kgs. has been recovered in the present case. Further, there is no emergency which requires physical presence of the petitioner himself particularly when other

family members of the petitioner can take care of her ailing wife if need so arise. It was thus prayed that having regard to the criminal record of the petitioner and looking to the gravity of the offences alleged against him, the interim bail application be rejected.

4. Heard learned counsel for the parties.

5. Having gone through the case file, this Court *prima facie* finds that the petitioner is a habitual offender. Looking to the criminal antecedents of the petitioner, there is a possibility that the petitioner may flee and abscond if interim bail is granted to him. Consequently, the present interim bail application is dismissed.

(KULDEEP MATHUR),J

269-divya/-