

(2023) 06 RAJ CK 0002

In the Rajasthan High Court

Case No : Criminal Miscellaneous Bail Application No. 2856, 6419, 7189 Of 2023

Dinesh Kumar And Others

APPELLANT

Vs

State Of Rajasthan

RESPONDENT

Date of Decision : 09-06-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438, 439

Narcotic Drugs And Psychotropic Substances Act, 1985 — Section 8, 18, 25

Citation : (2023) 06 RAJ CK 0002

Hon'ble Judges : Dr. Nupur Bhati, J

Bench : Single Bench

Advocate : Pankaj Kumar Gupta, A.R. Malkani, M.A. Siddiqui

Final Decision : Dismissed

Judgement

Dr. Nupur Bhati, J

In S.B. Criminal Misc. Bail Applications No.7189/2023 & 6419/2023:

1. The instant applications for bail have been filed under Section 439 Cr.P.C. on behalf of the petitioners, who are in custody in relation to F.I.R. No.191/2020 dated 25.06.2020, registered at Police Station Ratangarh, District Churu for the offences under Sections 8/18, 25 of NDPS Act.

2. Learned counsel for the petitioners submits that the contraband recovered by the petitioners (Head Constables) was duly handed over to the authority concerned, though there was a delay in handing over the same, because the petitioners were under apprehension that since they were not having the power to recover the contraband in question, therefore, some disciplinary inquiries would be initiated against them.

3. Learned Public Prosecutor though opposes the bail application, but submits that the quantity of the contraband recovered also raises a question, whether the quantity of the contraband in question has duly been deposited by the petitioners

or not.

4. Taking note of the overall facts and circumstances of the case, as also the fact that the petitioners are police officials and there is a delay in handing over the contraband in question to their superior authorities concerned, this Court is not inclined to grant indulgence of bail to the petitioners, at this stage.

5. Accordingly, the bail application is dismissed at this stage.

I n S.B. Criminal Misc. Bail Application No.2856/2023:

1. This anticipatory bail has been filed under Section 438 Cr.P.C. on behalf of the petitioner apprehending his arrest in connection with F.I.R. No.191/2020 dated 25.06.2020, registered at Police Station Ratangarh, District Churu for the offences under Sections 8/18, 25 of NDPS Act.

2. Learned counsel for the petitioner submits that the contraband recovered by the petitioner (Police Constable) was duly handed over to the authority concerned, though there was a delay in handing over the same because the petitioner was under apprehension that since he was not having the power to recover the contraband in question, therefore, some disciplinary inquiry would be initiated against him.

3. Learned Public Prosecutor though opposes the bail application, but submits that the quantity of the contraband recovered also raises a question, whether the quantity of the contraband in question has duly been deposited by the petitioner or not.

4. Taking note of the overall facts and circumstances of the case, as also the fact that the petitioner is a police official and there is a delay in handing over the contraband in question to his superior authorities concerned, this Court is not inclined to grant indulgence of anticipatory bail to the petitioner, at this stage.

5. Accordingly, this anticipatory bail application is dismissed at this stage.