
(2021) 05 RAJ CK 0011

In the Rajasthan High Court

Case No : Criminal Miscellaneous Bail Application No. 4812 Of 2021

Jai Singh

APPELLANT

Vs

State Of Rajasthan

RESPONDENT

Date of Decision : 04-05-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Narcotic Drugs and Psychotropic Substances Act, 1985 — Section 8, 15, 18, 25, 29

Evidence Act, 1872 — Section 27

Citation : (2021) 05 RAJ CK 0011

Hon'ble Judges : Devendra Kachhawaha, J

Bench : Single Bench

Advocate : N.R Choudhary, Mukhtiyar Khan

Final Decision : Allowed

Judgement

In compliance of order dated 09.04.2021, Shri Devi Lal, S.I (Investigating Officer) appeared before this Court.

The present bail application has been filed under Section 439 Cr.P.C. on behalf of the petitioner, who is in judicial custody in connection with F.I.R.

No.143/2020, Police Station Mahajan, District Bikaner, registered for the offences under Sections 8/15, 18, 25 and 29 of NDPS Act.

Heard and considered the arguments advanced by the learned counsel for the petitioner through video conferencing and learned Public Prosecutor

present-in-person. Perused the material available on record.

Learned counsel for the petitioner through video conferencing stated that except the information given under Section 27 of the Evidence Act and

statement of co-accused, no other evidence is available against the petitioner. With these submissions, learned counsel for the petitioner prayed that

the benefit of bail may be granted to the accused-petitioner.

Investigating Officer present-in-person before this Court verified this fact that no call detail report was collected by him during the course of investigation in this case.

Per contra, learned Public Prosecutor has opposed the bail application and stated that there is involvement of contraband Poppy Husk weighing 60 kgs and Opium weighing 230 gms. and as per prosecution, he is the supplier.

Having regard to the facts and circumstances of the case and as per the statement of Investigating Officer that no call detail report was collected by him during course of investigation; accused-petitioner was implicated in this case only on the basis of statement of co-accused and information given by him under Section 27 of Evidence Act, therefore, without expressing any opinion on the merits/demerits of the case, this Court is of the opinion that the bail application filed by the petitioner deserves to be accepted.

Consequently, the bail application is allowed. It is ordered that the accused-petitioner - Jai Singh S/o Shri Baldevram, arrested in connection with

F.I.R. No.143/2020, Police Station Mahajan, District Bikaner, shall be released on bail, if not wanted in any other case; provided he furnishes a

personal bond of Rs.1,00,000/- (Rupees One Lakh) and two sound and solvent sureties of Rs.50,000/- (Rupees Fifty Thousand) each to the

satisfaction of the learned trial Court for his appearance before that Court on each and every date of hearing and whenever called upon to do so till

the completion of the trial.