
(2024) 02 RAJ CK 0171

In the Rajasthan High Court

Case No : Criminal Miscellaneous 2nd Bail Application No. 7731, 8727 Of 2023

Jogendra Singh @ Jintu And Others

APPELLANT

Vs

State Of Rajasthan

RESPONDENT

Date of Decision : 02-02-2024

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Narcotic Drugs And Psychotropic Substances Act, 1985 — Section 8, 22, 29

Citation : (2024) 02 RAJ CK 0171

Hon'ble Judges : Manoj Kumar Garg, J

Bench : Single Bench

Advocate : Kaushal Gautam, Mukesh Trivedi

Final Decision : Allowed

Judgement

Manoj Kumar Garg, J

The present second bail applications have been filed under Section 439 Cr.P.C. on behalf of the petitioners, who are in judicial custody in connection with F.I.R. No.177/2020, Police Station Kesharisinghpur, District Sriganganagar registered for the offence punishable under Sections 8/22 and 29 of NDPS Act. (Qua the petitioner - Gurmel Singh S/o Sh. Gurmukh Singh, offence punishable under Sections 8/22 of NDPS Act)\ The first bail application of the petitioner-Jogendra Singh @ Jintu was dismissed on 07.12.2021 and first bail application of petitioner-Gurmel Singh as this Court vide order dated 10.11.2021.

Learned counsel for the petitioners submits that the petitioners are in judicial custody since 11.09.2020 and till now only one prosecution witness has been examined before the trial Court. Progress report has also been summoned from the trial Court wherein it has been mentioned that prosecution witnesses have been summoned but they did not turn up before the trial Court. Learned counsel relies upon the judgments passed by Hon'ble the Supreme Court in the cases of Rabi Prakash Vs. State of Odisha and Mohd. Muslim @ Hussain Vs State (NCT of

Delhi). The petitioners are behind the bars for more than three and a half years and the trial of the case will take sufficiently long time. With these submissions, it is prayed that the benefit of bail may be granted to the accused-petitioners.

Learned Public Prosecutor has opposed the prayer of bail.

I have considered the arguments advanced before me and gone through the material available on record.

Having regard to the totality of the facts and circumstances of the case, particularly looking to the period of judicial custody of the petitioners, therefore, without expressing any opinion on the merits of the case, I deem it just and proper to grant bail to the accused petitioners under Section 439 Cr.P.C.

Accordingly, the second bail applications filed under Section 439 Cr.P.C. are allowed and it is directed that petitioners - Jogendra Singh @ Jintu S/o Sh. Dalip Singh and Gurmel Singh S/o Sh. Gurmukh Singh shall be released on bail in connection with F.I.R. No.177/2020, Police Station Kesharisinghpur, District Sriganaganagar provided each of them executes a personal bond in a sum of Rs.2,00,000/- with two sureties of Rs.1,00,000/- each to the satisfaction of learned trial court for their appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.