

(2020) 06 RAJ CK 0025

In the Rajasthan High Court

Case No : Criminal Miscellaneous Bail Application No. 1582 Of 2020

Mool Chand

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 05-06-2020

Acts Referred:

Narcotic Drugs And Psychotropic Substances Act, 1985 — Section 8, 15, 29
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2020) 06 RAJ CK 0025

Hon'ble Judges : Vijay Bishnoi, J

Bench : Single Bench

Advocate : Laxman Solanki

Final Decision : Allowed

Judgement

Heard learned counsel for the petitioner Mr. R.S. Gill through Jitsi Meet App., learned Public Prosecutor and perused the bail application as well as the material available on record.

The petitioner has been arrested in FIR No.52/2016 of Police Station Bijaypur, Chittorgarh for the offences punishable under Sections 8/15 and 29 of NDPS Act. He has preferred this bail application under Section 439 Cr.P.C.

Learned counsel for the petitioner has submitted that earlier bail application was granted to the petitioner was cancelled by the trial court as he has failed to appear before the trial court during the course of hearings. It is submitted that the petitioner was arrested on 14.05.2018 and since then, he is in custody. It is further submitted that in future the petitioner will attend the hearings of the trial court regularly and it is also submitted that the petitioner is ready to furnish heavy bail bonds.

Learned Public Prosecutor has opposed the bail application and submitted that the petitioner has flouted condition of the bail, therefore, he is not entitled to be enlarged on bail.

Having heard learned counsel for the parties and after taking into consideration the fact that after his arrest on 14.05.2018, the petitioner is in jail since last around one year, without expressing any opinion on the merits of the case, I deem it just and proper to grant bail to the accused petitioner under Section 439 Cr.P.C.

Accordingly, this bail application filed under Section 439 Cr.P.C. is allowed and it is directed that petitioner Mool Chand S/o Sh. Bhikha Ram shall be released on bail in connection with FIR No.52/2016 of Police Station Bijaypur, District Chittorgarh provided he executes a personal bond in a sum of Rs.2,00,000/- with two sound and solvent sureties of Rs.1,00,000/- each (near relatives of the petitioner) to the satisfaction of 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.

Henceforth, the petitioner is directed to attend all the hearings of the trial court regularly in future.