
(2016) 08 RAJ CK 0024

In the Rajasthan High Court

Case No : Criminal MiscII Bail (CRLMB) No. 4841 of 2016

Ramesh

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 16-08-2016

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 439

Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS) — Section 15, 8

Citation : (2016) 2 WLCRajUC 465

Hon'ble Judges : Mr. Vijay Bishnoi, J.

Bench : Single Bench

Advocate : Mr. Laxman Bishnoi, Advocate, for the Petitioner; Mr. Vikram Singh Rajpurohit, P.P, for the Respondent

Final Decision : Allowed

Judgement

Mr. Vijay Bishnoi, J.— Heard learned counsel for the petitioner as well as learned Public Prosecutor and also perused the material on record.

2. The petitioner has been arrested in FIR No. 219/2015 of Police Station, Baap, District Jodhpur Rural for the offence punishable under Section 8/15 NDPS Act. He has preferred this second bail application under Section 439 Cr.P.C.

3. Learned counsel for the petitioner has submitted that after rejection of first bail application, charge-sheet has been filed against the petitioner for the offences punishable under Section 8/15 NDPS Act. It is argued that as a matter of fact the petitioner and his father were holding permit for possession of lanced poppy heads for personal consumption and poppy heads recovered from the house of the petitioner are collected by them under the said permit. It is argued that the petitioner has deposited the seized lanced poppy heads for his personal consumption and not for the purpose of selling the same.

4. Learned Public Prosecutor has opposed the bail application.

5. Having regard to the totality of the facts and circumstances of the case,

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.

6. Accordingly, this second bail application filed under Section 439 Cr.P.C. is allowed and it is directed that petitioner ? Ramesh S/o Laxmi Chand shall be released on bail in connection with FIR No. 219/2015 of Police Station, Baap, District Jodhpur Rural provided he executes a personal bond in a sum of Rs.50,000/- with two sound and solvent sureties of Rs.25,000/- each 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.