
(2022) 12 RAJ CK 0045

In the Rajasthan High Court

Case No : S.B. Criminal Miscellaneous II Bail Application No. 12274 Of 2022

Ratan Lal @ Kanhaiya Lal

APPELLANT

Vs

State Of Rajasthan

RESPONDENT

Date of Decision : 08-12-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

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

Citation : (2022) 12 RAJ CK 0045

Hon'ble Judges : Vinit Kumar Mathur, J

Bench : Single Bench

Advocate : Vishan Das, Shakti Singh, Laxman Solanki

Final Decision : Allowed

Judgement

Vinit Kumar Mathur, J

The present 2nd bail application has been filed under Section 439 Cr.P.C. on behalf of the petitioner who is in custody in connection with FIR No.54/2021, Police Station Gulabpura, District Bhilwara for the offence punishable under Section 8/29 of NDPS Act.

The first bail application of the petitioner was dismissed on 20/01/2022 by this Court.

Heard learned counsel for the petitioner and learned Public Prosecutor. Perused the material available on record.

It is submitted on behalf of the petitioner that after dismissal of the first bail application of the petitioner, the statements of seizure officer Om Pal and Investigating Officer Rajendra Tada have been recorded before learned trial Court as PW.1 and PW.2 respectively. Learned counsel submits that except the statement of co-accused Anup, there is no evidence against the petitioner in the present case to connect him with the recovery of the contraband in this case. He

further submits that although the call details of the petitioner is available on record but neither the mobile has been recovered from the petitioner nor a certificate of 65B of the Evidence Act of the call details has been procured and placed on record. Learned counsel for the petitioner further submits that co-accused Ram Singh has been enlarged on bail by this Court vide order dated 09/11/2022. No case of like nature is pending or decided against the present petitioner. Therefore, it is prayed that the petitioner may be enlarged on bail.

Learned Public Prosecutor opposes the bail application. 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.

Accordingly, the 2nd bail application filed under Section 439 Cr.P.C. is allowed and it is directed that petitioner Ratan Lal @ Kanhaiya Lal S/o Kalu Ram, shall be released on bail in connection with FIR No. 54/2021, Police Station Gulabpura, District Bhilwara provided he furnishes a personal bond in a sum of Rs.1,00,000/- (Rupees: One Lac Only) with two sound and solvent sureties of Rs.50,000/- (Rupees: Fifty Thousand Only) 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.