

(2023) 01 RAJ CK 0002

In the Rajasthan High Court

Case No : S.B. Criminal Miscellaneous. 2nd Bail Application No. 15290 Of 2022

Shyam Sundar @ Shyam Lal

APPELLANT

Vs

State Of Rajasthan

RESPONDENT

Date of Decision : 02-01-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

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

Indian Penal Code, 1860 — Section 307, 332, 353

Citation : (2023) 01 RAJ CK 0002

Hon'ble Judges : Vinit Kumar Mathur, J

Bench : Single Bench

Advocate : Lokesh Mathur, Laxman Solanki

Final Decision : Allowed

Judgement

Vinit Kumar Mathur, J

The case comes up on an application (01/22) preferred for early hearing of the matter.

The same is not opposed by the learned Public Prosecutor. For the reasons mentioned in the application, the same is allowed.

The present second bail application has been filed under Section 439 Cr.P.C. on behalf of the petitioner who is in custody in connection with F.I.R. No.48/2021, Police Station Chakhu, District Jodhpur, for the offence under Sections 8/15, 8/25 & 8/29 of NDPS Act and Sections 332, 353 & 307 of IPC.

Heard learned counsel for the petitioner as well as learned Public Prosecutor and also perused the material available on record.

After the rejection of the first bail application of the petitioner on 18.01.2022, co-accused Shiv Lal @ Shiv Pratap has been enlarged on bail by the Coordinate Bench of this Court vide order dated 20.10.2022, Manish @ Mani Ram by this

Court vide order dated 07.09.2022, Atal Bihari by a Coordinate Bench of this Court vide order dated 14.11.2022, Ramesh Chandra @ Ramesh @ Shankar vide order dated 24.11.2022, Mukesh Madani vide order dated 20.12.2022 and Shiv Pratap by the trial court vide order dated 07.09.2022.

Learned counsel for the petitioner submits that the case of the present petitioner is not distinguishable from the case of the co-accused persons who have been enlarged on bail. The conclusion of trial will take sufficiently long time, therefore, it is prayed that the petitioner may also be enlarged on bail.

Learned Public Prosecutor has opposed the bail application but he is unable to distinguish the case of the present petitioner vis-a-vis the case of the co-accused persons who have been enlarged on bail.

Having regard to the facts and circumstances of the case and upon a consideration of the arguments advanced and considering the fact that the case of the present petitioner is identical to co-accused aforesaid who have been enlarged on bail, this Court is of the opinion that the petitioner is also entitled for the grant of bail under Section 439 Cr.P.C.

Accordingly, the present second bail application filed under Section 439 Cr.P.C. is allowed and it is directed that the petitioner Shyam Sundar @ Shyam Lal S/o Chutra Ram Bishnoi shall be released on bail in connection with F.I.R. No.48/2021, Police Station Chakhu, District Jodhpur provided he executes a personal bond in a sum of Rs.1,00,000/- (Rupees: One Lakh Only) with two sound and solvent sureties of Rs.50,000/- (Rupees: Fifty Thousand Only) 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.