
(2022) 08 RAJ CK 0027

In the Rajasthan High Court

Case No : S.B. Criminal Miscellaneous II Bail Application No. 9985 Of 2022

Sukha Ram

APPELLANT

Vs

State Of Rajasthan

RESPONDENT

Date of Decision : 16-08-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

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

Citation : (2022) 08 RAJ CK 0027

Hon'ble Judges : Manoj Kumar Garg, J

Bench : Single Bench

Advocate : Kan Singh Oad, Anil Joshi, Rajat Chhapparwal

Final Decision : Allowed

Judgement

Manoj Kumar Garg, J

The present second bail application has been filed under Section 439 Cr.P.C. The petitioner has been arrested in connection with F.I.R. No. 100/2022, Police Station Kherapa, District Jodhpur, for the offences punishable under Sections 8/15 & 8/25 of the Narcotic Drugs and Psychotropic Substances (NDPS) Act.

The first bail application was dismissed as not pressed by this Court on 07.07.2022 with a liberty to file fresh bail application after filing of the challan.

Learned counsel for the petitioner submits that now the challan of the case has already been presented and no investigation is pending against the accused-petitioner. Learned counsel further submits that the recovered contraband is below commercial quantity. The accused-petitioner is in judicial custody and the trial of the case will take sufficient long time to be concluded. Therefore, the benefit of bail should be granted to the accused-petitioner.

Per contra, learned Public Prosecutor has vehemently opposed 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 second bail application filed under Section 439 Cr.P.C. is allowed and it is directed that accused-petitioner, Sukha Ram S/o Pema Ram, shall be released on bail in connection with F.I.R. No. 100/2022, Police Station Kherapa, District Jodhpur, 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 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.