

(2023) 04 RAJ CK 0001
In the Rajasthan High Court

Case No : Criminal Miscellaneous Bail Application No. 7551 Of 2022

Udai Singh @ Udai @ Udhrana

APPELLANT

Vs

State Of Rajasthan

RESPONDENT

Date of Decision : 05-04-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Narcotic Drugs And Psychotropic Substances Act, 1985 — Section 8, 15, 29, 37

Citation : (2023) 04 RAJ CK 0001

Hon'ble Judges : Praveer Bhatnagar, J

Bench : Single Bench

Advocate : Abhishek Charan, Mahipal Bishnoi

Final Decision : Allowed

Judgement

Praveer Bhatnagar, J

The instant bail application has been filed under Section 439 Cr.P.C. on behalf of accused-petitioner Udai Singh @ Udai @ Udhrana . The petitioner has been arrested in connection with FIR No. 242/2021 registered at Police Station Rasmi, District Chittorgarh for the offence(s) under Sections 8/15, 29 of NDPS Act.

Learned counsel for the petitioner submits that the accused-petitioner has falsely been implicated in the case based upon the statements of the co-accused namely Sunil and Pappuram. No recovery was made from the petitioner and apart from disclosure statements, there is no other evidence indicating the involvement of the petitioner in the commission of the offence. The accused petitioner is in judicial custody since long and the trial of the case will take sufficiently long time. Therefore, the benefit of grant of bail may be granted to the accused-petitioner.

Per contra, learned Public Prosecutor opposes the grant of bail application and submits that rider of Section 37 of the NDPS Act is applicable, therefore, the bail application of the accused petitioner may be rejected.

Considering the arguments advanced by the counsel for the parties and looking to the overall facts and circumstances of the case, I deem it just and proper to enlarge the accused-petitioner on bail.

Accordingly, the bail application under Section 439 Cr.P.C. is allowed and it is ordered that the accused-petitioner Udai Singh @ Udal @ Udhrana S/o Bhopal Singh Rajput in connection with FIR No. 242/2021 registered at Police Station Rasmi, District Chittorgarh shall be enlarged on bail provided he furnishes a personal bond in the sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the learned trial Judge for his appearance before the court concerned on all the dates of hearing as and when called upon to do so.