

(2020) 01 RAJ CK 0112
In the Rajasthan High Court

Case No : Criminal Miscellaneous 2nd Bail Application No. 866 Of 2020

Virdha Ram

APPELLANT

Vs

State of Rajasthan

RESPONDENT

Date of Decision : 21-01-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

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

Citation : (2020) 01 RAJ CK 0112

Hon'ble Judges : Vinit Kumar Mathur, J

Bench : Single Bench

Advocate : Vijay Raj Bishnoi, Mahipal Bishnoi

Final Decision : Allowed

Judgement

The present second bail application has been filed under Section 439 of Cr.P.C. on behalf of the petitioner who is in custody in connection with F.I.R. No. 75/2019, Police Station RGT, District Barmer for the offences under Sections 8/15 & 8/25 of the N.D.P.S. Act.

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

Learned counsel for the petitioner submits that the recovery of contraband in the present case is marginally above the commercial weight of the poppy husk. He further submits that on an information received against the accused Rughnath Ram, the investigating agency acting on the said information came at the spot to nab Rughnath Ram and on finding the police team, the accused Rughnath Ram threw the bags containing contraband in the premises (Bada) of the present petitioner and flee away from the place. He further submits that there is no allegation that the present petitioner and the accused Rughnath Ram are having any connectivity nor there is any communication or telephonic exchange of talks between them. He further submits that the petitioner is working at Aarti Traders,

Dantiwada (Gujarat) for last more than five years. The document to this effect has been placed on record by the learned counsel. He further submits that the charge-sheet in the matter has already been filed and as per the investigation conducted by the investigation agency, there is no evidence of having any connectivity of the petitioner in the present case except the recovery of bags from the premises (Bada) of the petitioner. He further submits that the factum of bags containing contraband lying in the premises of the petitioner is not known to him. The petitioner is facing incarceration for more than three months and the conclusion of trial will take sufficient long time. Therefore, it is prayed that the petitioner may be enlarged on bail.

Learned Public Prosecutor opposes the bail.

Having regard to the facts and circumstances of the case and upon a consideration of the arguments advanced, this Court is of the opinion that the bail application filed by the petitioner deserves to be accepted.

Consequently, this second bail application under Section 439 of Cr.P.C. is allowed. It is ordered that the accused-petitioner - Virdha Ram S/o Harzi Ram arrested in connection with F.I.R. No. 75/2019, Police Station RGT, District Barmer shall be released on bail provided he furnishes a personal bond of Rs. 1,00,000/- (Rupees: One Lac Only) with two sureties of Rs. 50,000/- (Rupees : Fifty Thousand Only) each to the satisfaction of the learned trial court with the stipulation to appear before that Court on all dates of hearing and as and when called upon to do so.