

(1988) 06 RAJ CK 0005

In the Rajasthan High Court

Case No : Criminal Miscellaneous Bail Application No. 384 of 1988

Zakir Hussain

APPELLANT

Vs

State of Rajasthan

RESPONDENT

Date of Decision : 25-06-1988

Acts Referred:

Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS) — Section 18, 8

Citation : (1989) WLN 153

Hon'ble Judges : R.S. Verma, V.J.

Bench : Single Bench

Final Decision : Allowed

Judgement

R.S. Verma, VJ.

1. The petitioner was arrested in Cr. Case No. 31/88 lodged with police station Bhirani for offence under Sections 8/18 of the NDPS Act. It is alleged that about 6 quintals 56 kg, and 500 gms. of poppy husk was recovered from his possession. The petitioner moved a bail application before the learned Additional Sessions Judge, Noher but failed. Hence he has come to this court.

2. Learned counsel for the petitioner submits that in SB Criminal Miscellaneous Bail Application 689/1986 Sardar Singh and Ors. v. State of Rajasthan, 125 bags of opium poppy husk weighing 5652 kgs. were recovered and yet the accused persons were enlarged on bail. In this case about 6 qtls. of the opium poppy husk has been recovered and, therefore, the petitioner deserves to be enlarged on bail particularly when he is no longer required for investigation; there is no allegation that he would temper with the prosecution evidence; there is no allegation that he would abscond.

3. I have considered the facts and circumstances of the case, in my, opinion, the petitioner deserves to be enlarged on bail on his furnishing a personal bond in a sum of Rs. 10,000/- and a surety bond in like sum to the satisfaction of the learned Sessions Judge, Nohar for appearance in this Court or in the court to

which the case is transferred or committed on the date or dates to be fixed provided further that he is not required in any other case.