

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Criminal Miscellaneous 2nd Bail Application No.15377/2021

Amarsingh S/o Prabhulal, R/o Kushalpura Ps Bakani Dist.
Jhalawar Raj. (At Present In Dist. Jail, Jhalawar)

-----Petitioner

Versus

State Of Rajasthan, Through P.p.

-----Respondent

For Petitioner(s)	:	Mr. Ali Mohammed Khan
For Respondent(s)	:	Mr. Ramesh Choudhary, PP

HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Order

30/09/2021

This second bail application has been filed under Section 439 Cr.P.C. in connection with FIR No.87/2021 registered at Police Station, Ratlat District Jhalawar for offence under Section(s) 8/21 of NDPS Act, 1985.

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

Learned counsel for the petitioner submits that the charge sheet has been filed and the trial is likely to take time. Learned counsel further submits that other co-accused alongwith the petitioner who were found together carrying 110 gms of smack has been enlarged on bail by the Co-ordinate Bench. The case of the petitioner cannot be distinguished from that of the co-accused namely Chandarlal, Lokesh and Hemraj who have been granted bail.

Learned Public Prosecutor opposes the bail application and points out that the petitioner has been found to be carrying smack which is more than the small quantity.

I have considered the submissions.

Taking into consideration that co-accused have already been enlarged on bail by the Co-ordinate Bench even after the dismissal of the first bail application of the petitioner, but without commenting on merits of the case, this Court deems it just and proper to enlarge the petitioner on bail.

Therefore, this second bail application is allowed on the ground of parity and it is ordered that the accused petitioner – **Amarsingh S/o Prabhulal**, be released on bail under Section 439 Cr.P.C. in connection with aforesaid FIR provided the petitioner furnishes a personal bond of Rs.50,000/- with one surety in the like amount to the satisfaction of the concerned Magistrate with the stipulation that he shall comply with all the conditions laid down under Section 437(3) Cr.P.C.

(SANJEEV PRAKASH SHARMA),J

SAURABH/1

सत्यमेव जयते