

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

**S.B. Criminal Miscellaneous Bail Application No.
17329/2022**

1. Laxman Son Of Sukhdev, Aged About 33 Years, Resident Of Ban Ka Kheda, Badliyas, Police Station Badliyas, District Bhilwara (Rajasthan) (Presently Confined In Sub Jail At Malpura, District Tonk)
2. Dinesh Kumar Son Of Rameshwar, Aged About 38 Years, Resident Of Khijara, Police Station Badliyas, District Bhilwara (Rajasthan) (Presently Confined In Sub Jail At Malpura, District Tonk)

----Petitioners

Versus

State Of Rajasthan, Through P.p.

----Respondent

For Petitioner(s) : Ms. Poonam Sharma for Mr. Avadesh Kumar Purohit

For Respondent(s) : Mr. Riyasat Ali, P.P.

HON'BLE MR. JUSTICE ANOOP KUMAR DHAND

Judgment / Order

30/11/2022

This bail application under Section 439 Cr.P.C. has been filed by the petitioners in connection with FIR No.519/2022 registered at Police Station Todaraysingh, District Tonk wherein they are charged for the offences punishable under Sections 8/18 & 8/25 of the NDPS Act.

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in this case as they have nothing to do with the alleged offences. Counsel submits that the alleged recovery of contraband of 500 gm Opium is below the

commercial quantity and the petitioners are not having any criminal antecedents of similar nature. Thus, no useful purpose would be served in keeping the petitioners behind the bars, conclusion of the trial will take its own time, so indulgence of bail may be granted to the petitioners.

Per contra, learned Public Prosecutor opposed the bail application.

Considering the argument put forward by counsel for the petitioners and looking to the fact that the alleged recovery of contraband is below commercial quantity and that the embargo contained under Section 37 of the NDPS Act is not attracted, without expressing any opinion on merits and demerits of the case, I deem it just and appropriate to grant indulgence of bail to the petitioners under Section 439 Cr.P.C.

Accordingly, the bail application under Section 439 Cr.P.C. is allowed and it is ordered that accused-petitioners **Laxman Son Of Sukhdev & Dinesh Kumar Son Of Rameshwar** arrested in connection with aforementioned FIR, may be released on bail; provided they furnish a personal bond of Rs.50,000/- with two surety bonds of Rs.25,000/- each to the satisfaction of 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.

(ANOOP KUMAR DHAND),J