

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

S.B. Criminal Miscellaneous Bail Application No. 7137/2023

Bhanwar Lal S/o Badri Lal, Aged About 36 Years, Resident Of Village Rahimpura (Nayagaav) Police Station Peeplu District Tonk (Raj) (At Present Confined In District Jail, Tonk (Raj.)

----Petitioner

Versus

State Of Rajasthan, Through P.p.

----Respondent

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For Petitioner(s) : Mr. Rohit Khandelwal

For Respondent(s) : Mr. Mangal Singh Saini, PP

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**HON'BLE MR. JUSTICE ANIL KUMAR UPMAN (V. J.)**

**Order**

**30/06/2023**

1. Petitioner has filed this bail application under Section 439 of Cr.P.C.

2. F.I.R. No. 122/2023 was registered at Police Station Peeplu, District Tonk for offence under Section 8,18 NDPS Act.

3. It is contended by counsel for the petitioner that the accused-petitioner has been falsely implicated in this case and in fact nothing was recovered from the possession from the petitioner and fake recovery of opium 1.400 kilograms has been shown from the petitioner. Counsel for the petitioner submits that alleged opium is less than commercial quantity and thus the provisions prescribed and contained in Section 37 of the NDPS Act are not applicable in this case. Counsel for the petitioner submits that petitioner is in custody since 2.5.2023 and no other case of similar nature has been registered against the petitioner and trial



will take considerable time.

4. Learned Public Prosecutor has opposed the bail application.
5. I have considered the contentions.
6. Considering the overall facts and circumstances of the case and especially the alleged opium is below commercial quantity and period of custody, I deem it proper to allow the bail application.
7. This bail application is accordingly allowed and it is directed that accused-petitioner shall be released on bail provided he furnishes a personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand only) together with two sureties in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each to the satisfaction of the learned Trial Court with the stipulation that he shall appear before that Court and any court to which the matter is transferred, on all subsequent dates of hearing and as and when called upon to do so.

(ANIL KUMAR UPMAN (V. J.)),J

ANAND TANWAR /511(S)