

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Miscellaneous 3rd Bail Application No. 694/2023

Pradeep Sharma S/o Om Prakash Brahmin, Aged About 35 Years, R/o Chakiwali Lane, Water Works Road, W.no. 35, Pratapgarh, Dist. Pratapgarh. (Lodged In Sub Jail Abu Road).

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

For Petitioner(s) : Mr. B.Ray. Bishnoi

For Respondent(s) : Mr. Vikram Sharma, PP

HON'BLE MR. JUSTICE MANOJ KUMAR GARG

Order

31/05/2023

The petitioner has been arrested in connection with FIR No.65/2019 of Police Station Pindwara, District Sirohi for the offence punishable under Sections 8/15, 8/29 of NDPS Act. He has preferred this third bail application under Section 439 Cr.P.C.

The second bail application was dismissed as not pressed on 29.11.2022 with liberty to file afresh after recording the statement of Investigating Officer Sumer Singh.

Counsel for the petitioner submits that now the Investigating Officer Sumer Singh has been examined in Court as PW-6 and recovery of contraband was not made from the possession of the present petitioner, whereas the same was made from co-accused Surajmal and Parmesh Kumar. The present petitioner has been implicated in this case with the aid of Section 29 of NDPS Act. Counsel further submits that co-accused Jagdish, who has also

been implicated in this case with the aid of Section 29 of NDPS Act, has already been enlarged on bail by a coordinate Bench of this Court. The case of the present petitioner is similar to that of the co-accused. The accused-petitioner is in judicial custody and the trial of the case will take sufficient long time to be concluded. Therefore, the benefit of bail should be granted to the accused-petitioner.

Learned Public Prosecutor has opposed the third bail application.

Having regard to the totality of the facts and circumstances of the case, without expressing any opinion on the merits of the case, I deem it just and proper to grant bail to the accused petitioner under Section 439 Cr.P.C.

Accordingly, the third bail application filed under Sec.439 Cr.P.C. is allowed and it is directed that petitioner Pradeep Sharma S/o Om Prakash Brahmin shall be released on bail in connection with FIR No.65/2019 of Police Station Pindwara, District Sirohi provided he executes a personal bond in a sum of Rs.2,00,000/- with two sound and solvent sureties of Rs.1,00,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(MANOJ KUMAR GARG),J