HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 4086/2021

Pushkar Lal @ Pappu S/o Onkar Lal Ahir, Aged About 28 Years, R/o Chaktiya, P.s. Mangalwad, Distt. Chittorgarh (Raj.) (At Present Lodged At Distt. Jail, Chittorgarh)

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

For Petitioner(s)

Mr. Abhishek Charan

For Respondent(s)

Mr. Gaurav Singh, PP

HON'BLE MR. JUSTICE SANDEEP MEHTA

Order

05/04/2021

The present bail application has been filed under Section 439 Cr.P.C. on behalf of the petitioner Pushkar Lal @ Pappu S/o Onkar Lal Ahir, who is in custody in relation to F.I.R. No.175/2020, Police Station Chanderia, District Chittorgarh, for the offences under Sections 8/15 and 29 of the NDPS Act.

Heard learned counsel for the petitioner and learned Public Prosecutor. Perused the material available on record.

The recovered contraband poppy straw being 50 Kg. (just below commercial quantity) was recovered from a Truck No.UK07 CB4425 in which Akram and Ajay Kumar were present. The petitioner has been implicated in this case by virtue of Section 29 of the NDPS Act with the allegation that he supplied the poppy straw to the principal accused. The allegation against the petitioner is based on the confessional statement of the co-accused the admissibility whereof is questionable. As per the order

rejecting bail, the petitioner does not have any criminal antecedents. Principal accused Akram and Ajay Kumar have already enlarged on bail by the Coordinate Bench of this Court vide orders dated 18.08.2020 and 19.08.2020 passed in S.B. Criminal Misc. Bail Applications Nos.7280/2020 and 7278/2020.

In view of above and having regard to the entirety of facts and circumstances as available on record and upon a consideration of the arguments advanced at the Bar, this Court is of the opinion that the as the main accused have already been enlarged on bail, the petitioner too deserves the same indulgence.

Consequently, the bail application is allowed. It is ordered that the accused-petitioner namely Pushkar Lal @ Pappu S/o Onkar Lal Ahir, arrested in connection with F.I.R. No 175/2020, Police Station Chanderia, District Chittorgarh shall be released on bail; provided he furnishes a personal bond of Rs.50,000/- and two surety bonds of Rs.25,000/- each to the satisfaction of the 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.

(SANDEEP MEHTA),J

35-Mamta/-