

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR

S.B. Criminal Miscellaneous III Bail Application No. 4409/2025

Kamal Singh Alias Kamal Rana S/o Shri Dungar Singh, Aged About 41 Years, R/o Bambori, P.s. Rathanjana, Dist. Pratapgarh (Raj.) (Presently Lodged In District Jail, Pratapgarh)

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s) : Mr. Ashok Khilery
For Respondent(s) : Mr. SS Rathore, Dy.G.A.

HON'BLE MR. JUSTICE FARJAND ALI

Order

17/07/2025

1. The jurisdiction of this Court has been invoked by way of filing an application under Section 439 Cr.P.C. at the instance of accused-petitioner. The requisite details of the matter are tabulated herein below:

S.No.	Particulars of the Case	
1.	FIR Number	92/2023
2.	Concerned Police Station	Chotisadri
3.	District	Pratapgarh
4.	Offences alleged in the FIR	Under Sections 8/15 & 8/29 of the NDPS Act
5.	Offences added, if any	--

2. It is contended on behalf of the accused-petitioner that no case for the alleged offences is made out against him and his incarceration is not warranted. There are no factors at play in the case at hand that may work against grant of bail to the

accused-petitioner and he has been made an accused based on conjectures and surmises.

3. Contrary to the submissions of learned counsel for the petitioner, learned Public Prosecutor opposes the bail application and submits that the present case is not fit for enlargement of accused on bail.
4. I have considered the submissions made by both the parties and have perused the material available on record.
5. As a matter of fact, there is no direct evidence establishing a connection between the petitioner and the alleged offence. According to the prosecution, a certain quantity of contraband was recovered from a location that had been abandoned after the culprits fled the scene. During the course of the investigation, it is said to have been revealed that one Om Prakash @ Gudda was involved in the commission of the crime. Om Prakash @ Gudda was apprehended and interrogated. It is alleged that during interrogation, he made a disclosure implicating the petitioner in the procurement of the contraband. However, at this juncture, Shri Ashok Khilery, learned counsel for the petitioner, vehemently and fervently argues that a disclosure made by an accused while in police custody is not admissible in evidence, as per the provisions contained under Sections 25 and 26 of the Indian Evidence Act. He further contends that no recovery was made from the possession of Om Prakash @ Gudda, and therefore, the insinuation against the petitioner lacks legal significance. It is also pointed out that Om Prakash @ Gudda has been granted bail by this Court vide order dated

06.12.2023, and accordingly, the case of the present petitioner stands on a better footing than that of the co-accused. There is substance in the submissions made by the learned counsel for the petitioner.

6. There is high probability that the trial may take long time to conclude. In light of these facts and circumstances, it is deemed suitable to grant the benefit of bail to the petitioner in the present matter.
7. Accordingly, the instant bail application under Section 439 Cr.P.C. is allowed and it is ordered that the accused-petitioner as named in the cause title shall be enlarged on bail provided he furnishes a personal bond in the sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the learned trial Judge for his appearance before the court concerned on all the dates of hearing as and when called upon to do so.

(FARJAND ALI),J