

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous Second Bail Application No. 1602/2024

Amit S/o Shri Pappu, Aged About 27 Years, R/o Sansi Basit, Bhagwna
Ganj, Police Station Ramganj, Ajmer.

(At Present Accused Confined In Central Jail Ajmer)

-----Petitioner

Versus

State Of Rajasthan, Through PP

-----Respondent

For Petitioner(s)	:	Mr. Mohit Sharma
For Respondent(s)	:	Mr. Sanjeev Mahala, PP

HON'BLE MR. JUSTICE ANIL KUMAR UPMAN

Order

22/02/2024

1. This is a second bail application under Section 439 Cr.P.C. filed on behalf of the petitioner who has been in custody in connection with FIR No.251/2023 registered at Police Station Alwar Gate, District Ajmer for offence punishable under Section 8/22 of NDPS Act, 1985.
2. Learned counsel for the petitioner submits that the previous bail application (No.13557/2023) filed on behalf of the petitioner was dismissed as withdrawn by this Court vide order dated 07.11.2023 with liberty to file fresh bail application after submission of outcome of investigation. He submits that the charge-sheet has been filed before the learned court below without the FSL report which renders the charge-sheet as incomplete. Based on these facts and circumstances, an application was filed by the petitioner under section 439 Cr.P.C before the learned trial court but the said application was rejected

by the learned trial Court vide order dated 31.01.2024. Counsel for the petitioner has relied upon the order passed by Hon'ble Supreme Court in the case of **Pankaj Gupta vs. Narcotics Control Bureau** in SLP (Crl) No(s). 12200/2023 dated 04.12.2023, wherein, Hon'ble Apex Court considered the identical issue involved in this bail application and observed that the said issue is pending consideration in a bunch of petitions. Considering the fact that it would take sometime in deciding the issue, benefit of interim bail was granted to the accused person therein. Learned counsel submits that the petitioner is in custody since 27.07.2023. He thus prays that the petitioner may be released on bail.

3. Learned State Counsel fairly concedes that the afore-stated issue is pending consideration before Hon'ble the Supreme Court.

4. Having regard to the totality of the facts and circumstances of the case and the observation and direction made by the Hon'ble Apex Court in the case of **Pankaj Gupta (supra)** and considering the arguments advanced by learned counsel for the petitioner, this Court deems it just and proper to direct that accused-petitioner Amit S/o Shri Pappu, arrested in connection with FIR No.251/2023 PS Alwar Gate, Ajmer shall be released on interim bail provided he furnishes a personal bond in the sum of Rs.1,00,000/- together with two sureties in the sum of Rs.50,000/- 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.

5. It is made clear that the accused-petitioner shall not involve in any other offence(s) during currency of the interim bail and he

shall mark his presence twice in a month i.e., 1st and 15th of every month in the concerned police station. It is further directed that he shall share his mobile number with the SHO of the concerned police station.

6. If any breach of these conditions is reported or come to the notice of the Court, the same shall alone be a reason for the trial court to cancel the interim bail granted to him by this order.

7. The identical matters are listed on 13.03.2024. Therefore, Office is directed to list this matter on 13.03.2024.

(ANIL KUMAR UPMAN),J