

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous Bail Application No. 3723/2025

Arbaz Mohammad Alias Shabbir S/o Shafiq Mohammad, Aged About 19 Years, R/o Kacchibasti Sainathpura Near Housin G Board, Jhalawar, District- Kota (Raj.) (Presently Confined In Sub Jail At Ramganj Mandi)

-----Petitioner

Versus

State Of Rajasthan, Through PP

-----Respondent

For Petitioner(s)	:	Mr. Rajveer Singh Jhala
For Respondent(s)	:	Ms. Arti Sharma, PP

HON'BLE MR. JUSTICE ANIL KUMAR UPMAN

Order

07/04/2025

1. The instant bail application has been filed under Section 483 of BNSS on behalf of the petitioner, who has been arrested in connection with FIR No.34/2025 registered at Police Station Chechat, District Kota Rural (Rajasthan) for the offence punishable under Section 8/21 of NDPS Act.
2. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. Counsel submits that no contraband has been recovered from the possession of the petitioner. Counsel submits that petitioner has been made accused in this case solely on the basis of disclosure made by the co-accused who was found in possession of 8 gms of smack. Admittedly, recovered contraband is below commercial quantity. Charge-sheet has been filed in this matter and trial will take

considerable time in its conclusion. Petitioner is in custody since 02.02.2025 and further custody of the petitioner would not serve any fruitful purpose.

3. Learned Public Prosecutor opposes the submissions made by counsel for the petitioner. She submits that petitioner is habitual offender and 9 other cases have been registered against him wherein one case is under the NDPS Act.

4. I have considered the contentions.

5. Having regard to the totality of the facts and circumstances of the case; considering the arguments advanced by learned counsel for the petitioner, as also the fact that no contraband has been recovered from the possession of the petitioner; alleged recovered contraband is below commercial quantity; charge-sheet has been filed in this matter as well as looking to the custody period, but without commenting anything on the merits/demerits of the case, I deem it fit and proper to allow this bail application.

6. The bail application is accordingly allowed and it is directed that accused-petitioner- **Arbaz Mohammad Alias Shabbir S/o Shafiq Mohammad** 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.

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

mark his presence in first week of every month in the concerned police station.

8. 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 bail granted to him by this Court.

9. Concerned SHO is directed to maintain a register recording the attendance of the petitioner. In case the petitioner fails to mark his presence in the concerned police station, the concerned SHO is directed to immediately report the matter to the concerned Court in this regard.

(ANIL KUMAR UPMAN),J