



RAJASTHAN HIGH COURT
HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 6628/2023

Rimpy S/o Sh. Rana Ram, Aged About 31 Years, W.no. 7, Sadul Shahar, Dist. Sri Ganganagar. (Lodged In Central Jail, Sri Ganganagar).

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

For Petitioner(s) : Mr. Abhishek Agarwal
Mr. Ashish Gehlot for Mr. T.C. Sharma
For Respondent(s) : Mr. A.R. Choudhary, P.P.

HON'BLE MR. JUSTICE VIJAY BISHNOI
Order

29/08/2023

Heard learned counsel for the petitioner as well as learned Public Prosecutor and also perused the material on record.

The petitioner has been arrested in FIR No.417/2018 of Police Station Sadul Shahar, District Ganganagar for the offences punishable under Sections 8/22 and 8/29 of NDPS Act. He has preferred this bail application under Section 439 Cr.P.C.

Learned counsel for the petitioner has submitted that as per the prosecution story, 700 tablets weighing 400 grams narcotic substance tramadol was recovered at the instance of the petitioner. It is also submitted that the petitioner is in custody since 18.11.2018 and the prosecution is required to examine 13 prosecution witnesses, out of which, statements of only 6 witnesses have been recorded till date and trial of the case is likely to take time.

Learned counsel has placed reliance on the decision dated 28.03.2023 rendered by Hon'ble the Supreme Court in **Mohd**



Muslim @ Hussain Vs. State (NCT of Delhi) in **Special Leave Petition (Crl.) No(s).915 of 2023**, wherein it is observed by the Hon'ble Supreme Court that delay in trial can also be considered for releasing accused person on bail despite the restrictions imposed under Section 37 of the NDPS Act. Learned counsel for the petitioner has submitted that in the light of the judgment passed by the Hon'ble Supreme Court in Mohd Muslim @ Hussain's case (supra), the petitioner is entitled to be enlarged on bail.

Learned Public Prosecutor has opposed the bail application.

Having heard the learned counsel for the parties, after going through the material available on record and in view of the judgment passed by Hon'ble Supreme Court in **Mohd Muslim @ Hussain's case** (supra), 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, this bail application filed under Section 439 Cr.P.C. is allowed and it is directed that petitioner **Rimpy S/o Sh. Rana Ram** shall be released on bail in connection with FIR No.417/2018 of Police Station Sadul Shahar, District Ganganagar provided he executes a personal bond in a sum of Rs.1,00,000/- with two sound and solvent sureties of Rs.50,000/- 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.

(VIJAY BISHNOI),J

13-Babulal/-