



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B.Criminal Misc. Bail No. 738 / 2017

Mohammad Sharif S/o Chand Mohammad Mansuri, b/c
Musalmaan, R/o Arnoda PS- Sadar Nimbahera District Chittorgarh
(Presently Lodged in District Jail Chittorgarh)

----Petitioner

Versus

The State of Rajasthan

----Respondent

For Petitioner : Mr. R.S.Gill

For Respondent : Mr. A.S.Rathore, P.P., for the State

HON'BLE MR. JUSTICE P.K. LOHRA

Order

02/02/2017

Being arrested in connection with FIR No.184/2016 of Police Station Sadar Nimbahera, District Chittorgarh for offence under Section 8/15 of the N.D.P.S. Act, accused-petitioner has laid this bail application under Section 439 Cr.P.C.

Learned counsel for the petitioner submits that although contraband recovered in the matter is above commercial quantity but the same was not in conscious possession of the petitioner. Learned counsel further submits that in fact contraband was brought by the main accused Lakhvindra Singh from M.P. and petitioner was simply involved in grinding the same and at the time of grinding, Lakhvindra Singh was present, therefore, prima facie, offence under Section 8/15 of the N.D.P.S.Act, is not made out against the petitioner. It is further submitted by learned counsel that charge-sheet in the matter has already been filed and



petitioner is in custody since 24.05.2016, therefore, he may be enlarged on bail.

Learned Public Prosecutor has vehemently opposed the bail application.

Having heard learned counsel for the petitioner as well as learned Public Prosecutor and taking into account totality of circumstances, without expressing any opinion on merits of the case, I feel inclined to grant indulgence to the petitioner.

Consequently, the bail application under Section 439 Cr.P.C. is allowed and it is ordered that the accused-petitioner Mohammad Sharif S/o Chand Mohammad Mansuri arrested in connection with F.I.R. No.184/2016, Police Station Sadar Nimbahera, District Chittorgarh may be released on bail; provided he furnishes a personal bond of Rs.50,000/- with 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.

(P.K. LOHRA)J.

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