



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

S.B. Criminal Misc. Second Bail Application No. 14845/2020

Surendra Kumar S/o Shri Laxmandas, Aged About 43 Years, R/o Chak 9 Y, Police Station Sadar, Tehsil and District Sri Ganganagar.

(At Present Lodged In Central Jail, Sri Ganganagar).

-----Petitioner

Versus

The State of Rajasthan through Public Prosecutor

-----Respondent

For Petitioner(s) : Mr. D.S. Thind

For Respondent(s) : Mr. A.R. Choudhary, P.P.

HON'BLE MR. JUSTICE VIJAY BISHNOI

Judgment / Order

03/02/2021

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

The petitioner has been arrested in FIR No.35/2019 of Police Station Jawaharnagar, District Sri Ganganagar for the offences punishable under Sections 8/21, 22 and 29 NDPS Act. He has preferred this second bail application under Section 439 Cr.P.C.

Learned counsel for the petitioner has submitted that as per the prosecution story, the petitioner was found in possession of huge quantity of tablets containing narcotic substance Tramadol, which is above commercial quantity. It is submitted that as a matter of fact the police personnel took away the petitioner from his house and thereafter showed the recovery of narcotic



substance Tramadol from him illegally. It is further submitted that the wife of the petitioner already filed a complaint before the concerned Superintendent of Police alleging that her husband was abducted by the police personnel. It is also submitted that from the above, it is clear that the petitioner has falsely been implicated in this case and no such narcotic substance Tramadol was recovered from his possession, therefore, he is entitled to be enlarged on bail.

Learned Public Prosecutor has opposed the bail application and argued that the allegation against the petitioner is to the effect that he was arrested while huge quantity of tablets containing narcotic substance Tramadol was in his possession and the said recovery of narcotic substance Tramadol was very well proved by the Seizure Officer in his evidence recorded before the trial court. Learned Public Prosecutor has submitted that the provision of Section 37 of NDPS Act is applicable in the matter, therefore, the petitioner is not entitled to be enlarged on bail.

Having regard to the totality of the facts and circumstances of the case and looking to the nature of accusation and gravity of the offence, without expressing any opinion on the merits of the case, I am not inclined to grant bail under Section 439 Cr.P.C. to the petitioner.

Accordingly, this second bail application preferred by the petitioner under Section 439 Cr.P.C. is rejected.

(VIJAY BISHNOI),J

Abhishek Kumar
S.No.17