

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 629 OF 2020
(Arising out of SLP(Crl.)No. 3456 of 2019)

SONU SINGH

Appellant(s)

VERSUS

THE STATE OF RAJASTHAN

Respondent(s)

O R D E R

Leave granted.

Heard learned counsel for the parties.

This appeal takes exception to the judgment and order dated 14.11.2018 passed by the High Court of Judicature for Rajasthan at Jodhpur in S.B. Criminal Misc. Bail No. 9833 of 2018 rejecting the prayer for bail in connection with FIR No. 429 dated 14.08.2018. The appellant has been arrested in connection with the said case on 17.08.2018.

According to the appellant, he was not carrying any prohibited/contraband drugs and no recovery has been made from him. Further, the drug in question was not a scheduled drug, at the relevant time.

The respondent has opposed prayer for grant of bail on the argument that the recovery was made from the main accused (Madanlal) and the role of the appellant was that of the courier. Further, the drug in question was notified on 26.04.2018 and that the notification dated 13.07.2018 cannot be invoked by the present appellant as he was not a licensee himself.

Considering the rival submissions, in our opinion, the appellant deserves to be enlarged on bail as he has made out prima facie case on the grounds urged before us.

Without recording further reasons, as it would influence the pending trial one way or the other, we direct the appellant (Sonu Singh) be released on bail to the satisfaction of the Trial Court in connection with FIR No. 429 dated 14.08.2018 and on such terms and conditions as may be imposed by the Trial Court.

As a result, we set aside the impugned order passed by the High Court. The appeal is allowed in the above terms.

We once again make it clear that this order will not have any bearing on the merits of the trial pending against the appellant and the co-accused.

Pending applications, if any, stand disposed of.

.....J
(A.M. KHANWILKAR)

.....J
(SANJIV KHANNA)

New Delhi
September 24, 2020

