

Tej Karan Vs. State

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Court : Rajasthan

Decided On : Feb-13-2006

Reported in : RLW2006(3)Raj2157; 2006(2)WLC465

Judge : Harbans Lal, J.

Acts : Code of Criminal Procedure (CrPC) - Sections 439; Narcotics Drugs and Psychotropic Substances Act, 1985 - Sections 8 and 21

Appeal No. : S.B. Criminal Misc. II Bail Application No. 847 of 2006

Appellant : Tej Karan

Respondent : State

Advocate for Def. : Jagdish Lamba, PP

Advocate for Pet/Ap. : Ravi Kumar Kasliwal, Adv.

Judgement :

Harbans Lal, J.

1. I have heard learned Counsel for petitioner Tejkaran, learned PP for the State on this second bail application filed Under Section 439 Cr PC on behalf of petitioner Tejkaran who is alleged to have been found in possession of 145 grams of smack without valid license or permit. I have also perused the relevant

documents placed before me.

2. His learned Counsel has contended that the first bail application of the petitioner was dismissed as withdrawn on 26.8.2005. The contraband article allegedly recovered from the possession of the petitioner is less than the prescribed commercial quantity and the Co-ordinate Bench of this Court has granted bail in such matters. So, (lie petitioner may also be enlarged on bail.

3. Learned PP has opposed the bail application. He has submitted that each case depends on its own facts and circumstances and merits. Grant of bail in one case cannot be treated as a precedent for other cases,

4. Although, the contraband article allegedly recovered from the possession of the petitioner is less than the prescribed commercial quantity, but there can be no gainsaid that the contraband article involved has widespread deleterious and pernicious influence on the health of the society at large which also adversely affects the economy of the State. Besides this indulgence in such offence is increasing day in and day out requiring sterner approach by all concerned.

5. It is true that the court has to balance the twin objectives of bail - the liberty of the accused and the interests of the society. The interest of society in the instant case outweigh the considerations of the liberty of the individual and the balance tilts against the petitioner.

6. Having regard to the gravity of the offence, the materials on record in support thereof, the likelihood of the petitioner indulging in such activities if released on bail, and the ever increasing incidence of such offences causing great menace to the interests of society at large, no case for grant of bail to him is made out. r

7. Consequently, this bail application Under Section 439 Cr PC in F.I.R. No. 142/2005 P.S. Data Bari for offence Under Section 8/21 of the N.D.P.S. Act is hereby rejected.

8. However, for the ends of justice and fairplay, it is directed that the trial court shall expedite the trial and make sincere endeavours to conclude it at the earliest possible by fixing it from day-to-day as far as practicable.

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