

ITEM NO.5

COURT NO.9

SECTION II

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

205531

Copy

Petition(s) for Special Leave to Appeal (Crl.) No(s). 10132/2023

(Arising out of impugned judgment and order dated 21-04-2023 in SBCRLMTBA No. 12385/2022 passed by the High Court of Judicature for Rajasthan at Jodhpur)

DEVA RAM

Petitioner(s)

VERSUS

THE STATE OF RAJASTHAN

Respondent(s)

(IA No. 152306/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 152308/2023 - EXEMPTION FROM FILING O.T.)

Date : 05-10-2023 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE SANJAY KAROL

Certified to be true Copy
Assistant Registrar (Jud.)
05-10-2023
Supreme Court of India

For Petitioner(s) Mr. Namit Saxena, AOR
Mr. Awnish Maithani, Adv.
Mr. Shivam Raghuwanshi, Adv.

For Respondent(s) Mr. Rahul Kumar, Adv.
Ms. Kavita Bhardwaj, Adv.
Mr. Vishesh Kumar, Adv.
Mr. Shubham Sethi, Adv.
Ms. Pragati Neekhra, AOR

Mrs. Aishwarya Bhati, A.S.G.
Mr. Rustam Singh Chauhan, Adv.
Mr. Rajat Nair, Adv.
Mr. Kanu Agarwal, Adv.
Mrs. Swarupama Chaturvedi, Adv.
Mr. Pratyush Shrivastava, Adv.
Mr. Arvind Kumar Sharma, AOR

UPON hearing the counsel the Court made the following

O R D E R

Heard Mr. Namit Saxena, learned counsel appearing for the

petitioner. The Narcotic Control Bureau is represented by Ms. Aishwarya Bhati, assisted by Mr. Rustam Singh Chauhan, learned counsel. The State of Rajasthan is represented by Mr. Rahul Kumar, learned counsel but the counsel submits that it is the Narcotic Control Bureau which is the correct party and not the State of Rajasthan.

2. The petitioner is the accused in the FIR No. 10 of 2017 registered with the Police Station Narcotic Control Bureau, Jodhpur. The Contraband in question is about 10-12 kg of Opium and the petitioner is in custody for last about 6 years 2 months since he was arrested on 19.08.2017.

3. The learned ASG submits that by now, four prosecution witnesses have testified before the trial court and only eight more witnesses remain as cross-examination of the fifth witness is going on.

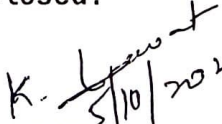
4. The above would show that trial is not likely to conclude on a near date. In the meantime, the petitioner has been incarcerated for over four years as an under-trial prisoner.

5. Taking note of the aforesaid circumstances, we grant bail to the petitioner - Deva Ram subject to appropriate bail conditions to be imposed by the Special Judge, NDPS Cases, Bali, District Pali, Rajasthan.

6. With the above, the Special Leave Petition stands disposed of.

7. Pending application(s), if any, shall stand closed.


05/10/23
(NITIN TALREJA)
COURT MASTER (SH)


5/10/2023
(KAMLESH RAWAT)
ASSISTANT REGISTRAR

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5/10

IN THE SUPREME COURT OF INDIA
ORDER XXII, RULE 2(1)
CRIMINAL APPELLATE JURISDICTION
(Under Article 136 of the Constitution of India)
SPECIAL LEAVE PETITION (CRL) NO. 10132 /2023
(WITH PRAYER FOR INTERIM RELIEF)

[Against the impugned judgment and final order dated 21.04.2023 passed by the Hon'ble High Court of Judicature for Rajasthan, bench at Jodhpur in SB Criminal Misc. Third Bail Application No. 12385/2022.]

IN THE MATTER OF:

BETWEEN	POSITION OF PARTIES		
	BEFORE THE TRIAL COURT	IN THE HON'BLE HIGH COURT	IN THIS HON'BLE COURT
1. DEVA RAM S/o Shri Achalaram, Aged about 30 years, R/o Jhanvar Police Station, Jhanvar, Jodhpur, Rajasthan. (At Present lodged in Sub Jail Bali District Pali)	ACCUSED	PETITIONER	PETITIONER
VERSUS			
1. STATE OF RAJASTHAN Through SHO, Narcotic Control Bureau, Jodhpur Region-I, Rajasthan.	PROSECUTION	RESPONDENT	RESPONDENT

TO,
 HON'BLE THE CHIEF JUSTICE OF INDIA AND HIS
 COMPANION JUDGES OF THE SUPREME COURT OF INDIA

SERIAL NO. 18908
FREE OF COSTS
CRIMINAL MATTER

DATE OF APPLICATION 5/1/23
COPY READY ON 5/1/23
DATE OF DELIVERY 5/1/23

For [Signature]
BRANCH OFFICER
SUPREME COURT OF INDIA



[Handwritten mark]

SEALED IN MY PRESENCE