



3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the quantity of contraband recovered from the present petitioner is commercial in nature. However, he admits that the petitioner has not misused the concession of interim bail granted to him passed by a Co-ordinate Bench of this Court and is a first offender.

4. I have heard learned counsel for the parties and perused the record.

5. In the present case, it is an admitted fact that the petitioner was granted the interim bail by a Co-ordinate Bench of this Court on 02.12.2023 and thereafter, he is continuously appearing before the trial Court. Even, it is apparent that the prosecution is not producing the witnesses before the trial Court and due to this, the petitioner has already faced incarceration for a long period.

6. Without commenting on the merits of the case, the present petition is allowed and the interim order dated 02.12.2023, passed by a Co-ordinate Bench of this Court is made absolute. The petitioner shall file an affidavit before the trial Court that he shall continue to appear before the trial Court on each and every date of hearing and shall not remain absent from the trial Court proceedings, without prior permission of the trial Court.

(N.S.SHEKHAWAT)
JUDGE

04.04.2025
hemlata

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No