

**HIGH COURT OF JAMMU AND KASHMIR
AT SRINAGAR**

EMG-B.A. No. 11-A/2020

Iqbal Singh.

...Petitioner(s)

Through: Mr Sheikh Manzoor, Advocate.

vs

Station House Officer, Police Station, Budgam.

...Respondent(s)

Through: Mr B.A. Dar, Sr AAG.

CORAM:

Hon'ble Mr. Justice Ali Mohammad Magrey, Judge

ORDER

04.05.2020

The instant application has been filed by the applicant in terms of section 439 of CrPC seeking grant of bail in case FIR No. 166/2019 of Police Station Budgam under section 08/15 of NDPS Act, on the grounds detailed out in the application with particular reference that codal principles for grant of bail are available to the applicant.

Mr B.A. Dar, learned Senior AAG while opposing the grant of bail, submitted that the offence committed by the applicant is heinous and has far reaching consequences on the society. He further submitted that the applicant has already suffered rejection of bail at the hands of the trial court on the basis of available record.

Heard learned counsel for the parties.

On consideration of the matter, the Court is of the considered view that the proper course for this case to be adopted is to ask the trial court to re-consider the bail application of the applicant afresh on the material supporting his contention and the contentions to be raised by the

prosecution. While considering the application seeking bail, the trial court shall not be influenced by the observations made or findings records in the order of rejection, which in other words mean that the bail application be considered afresh by treating the rejection order as non-existent by adhering to all the provisions of law. The parties are directed to appear before the trial court on Wednesday, i.e. 6th of May, 2020, with liberty to the applicant to supplement the bail application on additional grounds, which application is directed to be decided afresh as expeditiously as possible and not later than one week thereafter.

With the aforesaid observations, the bail application shall stand *disposed* of.

Copy of order be furnished to the appearing counsel for the parties and one to be sent to the trial court, through email services.

SRINAGAR;
04.05.2020
"Hamid"

(Ali Mohammad Magrey)
Judge.

N0:-76-78/C-19/RJS

Dated:-04.05.2020

Copy of Hon'ble Court Order forwarded to Pr.Distt Sessions Judge Budgam as also to learned appearing counsel for the parties through email for information and compliance.

SD/-
Registrar Judicial