

GJBK010017122026



Received on : 05.05.2026
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Decided on : **21.05.2026**
Duration : 16 -- --
D M Y

**IN THE COURT OF 6th ADDITIONAL SESSIONS JUDGE,
BANASKANTHA AT PALANPUR**

Exh. - 08

Criminal Misc. (Regular Bail) Application No. 535/2026

Applicant: **Kishanlal Dhanaji Bishnoi,**
Age: 52 Years, Occu.: Agriculture,
R/o. Mirpur, Tal. Sanchore,
Dist. Jalore(Rajasthan).
At present in District-jail, Palanpur.

VERSUS

Opponent: **The State**

Appearance:

Mr. A.B.Tunwar, Learned Advocate for Applicant.
Mr. J.S.Patel, Learned A.P.P. for the Opponent-State.

**APPLICATION FOR REGULAR BAIL
UNDER SECTION 483 OF THE BHARTIYA NAGARIK
SURAKSHA SANHITA**

JUDGMENT

- (1) Present application is filed by the applicant, after filing of charge-sheet, under Section 483 of the Bhartiya Nagarik Suraksha Sanhita seeking regular bail in connection with an offence registered against him before Tharad Police Station being C.R. No. 11996006260258/2026 for the offence under Section

8(C), 17(B) & 29 of Narcotic Drugs and Psychotropic Substances Act.

- (2) Notice was issued to the opponent State. Learned Additional Public Prosecutor Mr. J.S.Patel has filed his appearance pursis vide Exh. 5. Investigating Officer has filed his affidavit vide Exh. 7.
- (3) Heard Learned Advocate Mr. A.B.Tunwar for the applicant. He has submitted that the applicant is innocent; he has not committed any offence; he has been falsely roped in the present offence by the Investigating Officer based on suspicion. He is not named in the FIR. He has further submitted that no contraband was found out from the possession of the applicant. He was just traveling in the bolero camper and he has nothing to do with the contraband article seized by the police. He does not know anything about the offence. He has submitted that he has not committed any offence as alleged. He has further submitted that now the investigation is over, charge-sheet has been filed by the investigating officer. He has further submitted that the applicant has no antecedent of such offence. Even if allegations leveled in the FIR are taken on its face value still the contraband substance is of intermediate quantity. Therefore, the rigors of Section 37 of NDPS Act, would not apply. He has further submitted that one of the co-accused-Vardhabhai Rajput, has already been enlarged on regular bail by the then 3rd Additional Sessions Judge,

Palanpur. Hence, this applicant is also entitled to be released on regular bail based on the principles of parity. He has further submitted that the applicant is ready to abide by the conditions that may be imposed by this court. He has further submitted that he is also ready to give surety. Thus, he has requested to allow this application and enlarge the applicant on regular bail.

To buttress his arguments, learned Advocate for the applicant has relied on the following decisions, as under;

1) Abhimanue Etc. vs. State of Kerala, reported in 2025 Live Law (SC) 929.

2) Rajukhan @ Rajulala Habibkhan Pathan vs. State of Gujarat, of Hon'ble Gujarat High Court in R/CRMA No.22825 of 2025.

3) Prabhakar Tiwari vs. State of Uttar Pradesh, reported in 2020 (0) AIJEL-SC-65674.

(4) Heard learned Additional Public Prosecutor Mr. J. S. Patel for the State. He has further submitted that the offence was registered by Tharad Police Station under Section 8(C), 17(B), 29 of the NDPS Act. He has submitted that the applicant was sitting beside the driver of the vehicle camper, from whose possession, contraband opium latex was found out. Hence, there is a prima facie case against the applicant. He has further

contended that the applicant has committed serious kind of offence and looking to the nature of the offence as well as the provision of punishment provided under the Act, lenient view should not be adopted. He has further contended that if the accused be enlarged on regular bail, he may again continue with this illegal business and ruin the lives of young generation of the country. He has further submitted that though the contraband is of intermediate quantity, still it is to be circulated for commercial purposes. Therefore, the accused may not be released on bail.

- (5) Considered the submissions made by both the learned Advocates and perused the documents attached with this application including affidavit of Investigating Officer and charge-sheet filed by the police. I have also gone through the judgments relied on by the learned Advocate for the applicant. It is true that an offence under Section 8(C), 17(B), 29 of the NDPS Act was registered against the accused by the Tharad Police Station. In this offence, the applicant was traveling on the seat adjacent to the driver of bolero camper, from whose possession the contraband opium latex is found out. No contraband is found out from the applicant, during the search of the police. It further reveals from the record that the investigation is over and the charge-sheet has been filed by the Investigating Officer. The contraband article-opium latex seized by the police, is of intermediate quantity, therefore, the rigors of Section

37 of NDPS Act would not deter this court to pass appropriate order. The applicant has been languishing in judicial custody since long time. The trial would take its own time and languishing the applicant behind bars for an indefinite period would amount to pre-trial conviction. Looking at the affidavit of the police, there are two past antecedent reported against the applicant. But the same are too old cases and they are not of NDPS Act. The Hon'ble Apex Court in **Abhimanue Etc. vs. State of Kerala, reported in 2025 LiveLaw (SC) 929**, held that mere criminal antecedents are not sufficient ground for denial or cancellation of bail in absence of other incriminating circumstances. Further, my learned Predecessor, has enlarged the co-accused Vardhabhai Rajput, vide CrMA No. 518/2026, Dt. 05/05/2026, who is projected as procurer of the contraband article. Now, looking to the role of the present applicant, he was just traveling on the seat adjacent to the driver of the vehicle camper and no contraband article was found out from his possession. Hence, he is entitled to be enlarged on regular bail based on the principles of parity. He is ready to abide by the terms and conditions that this court will be imposed upon him. Thus, this court is of the view that the applicant has made out a case to be released on bail on suitable conditions. Hence, this court deems it fit to exercise judicial discretion in his favour of applicant to release him on regular bail on suitable conditions. Accordingly, the following order is passed;

ORDER

1. This regular bail application is allowed.
2. The applicant- **Kishanlal Dhanaji Bishnoi** (at present in Judicial Custody), is ordered to be released on bail in connection with an offence registered against him before Tharad Police Station being C.R. No. 11996006260258/2026 for the offence under Section 8(C), 17(B) & 29 of Narcotic Drugs and Psychotropic Substances Act, on executing his personal bond of **Rs. 75,000/- (Rupees Seventy Five Thousand Only)** with **one surety** of like amount subject to the following conditions:
 - (i) Applicant shall not involve in such type of illegal activity or any other offence.
 - (ii) Applicant shall provide his UID Adhar details and Cell phone numbers detail.
 - (iii) Applicant shall not take undue advantage of the liberty and abuse his liberty.
 - (iv) Applicant shall not tamper with the prosecution evidence or act in a manner prejudicial to the interest of prosecution.
 - (v) Applicant shall surrender his passport with the concerned Court or file affidavit if he does not have passport.
 - (vi) Applicant shall not change his residential address and contact numbers without prior

permission of the Court, and if in case of necessity address being changed, applicant shall immediately inform new address and cell phone numbers detail to the Court as well as to the concerned Police Station.

3. If breach of any of the above conditions is committed, this court will be free to issue the warrant or take appropriate action according to law.

Pronounced in the Open Court today this **21st day** of **May, 2026**.

Place: PALANPUR.

Date: **21/05/2026**

(D.S.Shrivastav)
6th Additional Sessions Judge,
Banaskantha at Palanpur
[Code No. : GJ00819]