

RAJASTHAN HIGH COURT

सत्यमेव जयते

JODHPUR

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Miscellaneous Bail Application No. 32/2026
Thana Ram S/o Bhanwra Ram, Aged About 47 Years, R/o
Khokhariya, Police Station Kaparda, Jodhpur, At Present
Residing At Near Hp Godown, Opposite Cant Station, Police
Station Mata Ka Than, Jodhpur East, Rajasthan. (At Present
Lodged In Central Jail Jodhpur)

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s)	:	Mr. Vijay Kumar Gaur
For Respondent(s)	:	Mr. Sameer Pareek, PP
present in person	:	Mr. Mohammad Shafiq Khan, CI, SHO, Mata Ka Than Mr. Daularam, Inspector Police, PS. Dangiawas, Jodhpur East

HON'BLE MR. JUSTICE PRAMIL KUMAR MATHUR
Order

25/02/2026

1. The petitioner has filed this bail application under Section 483 of BNSS in FIR No.294/2025 registered at Police Station Mata Ka Than, District Jodhpur for offence under Sections 8/15, 21 of NDPS Act.
2. Heard learned counsel for the petitioner as well as learned Public Prosecutor and perused the material available on record.
3. Learned counsel for the petitioner submitted that throughout the entire proceedings including seizure, registration of FIR and filing of charge-sheet, the Seizure Officer and Investigating Officer failed to ascertain and record the actual weight of the alleged contraband. The prosecution has also not placed on record any material to demonstrate compliance of mandatory provisions relating to weighment of

seized narcotic substance of 440 tablets, as contemplated under the provisions of the NDPS Act, 1985.

4. The quantity of contraband being a basic fact for determining the rigours of Section 37 of the NDPS Act, such omission goes to the root of the prosecution case at this stage. In absence of determination of quantity, it cannot be conclusively held whether the alleged recovery falls within the category of small, intermediate and commercial quantity.

5. Learned counsel for the petitioner has relied upon the judgment dated 17.06.2025 passed in S.B. Criminal Misc. Bail Application No. 7147/2025, wherein 500 tablets containing the same contraband substance were found to weigh around 200 grams. Therefore, in the present case, the weight of the recovered contraband of 440 Tramadol tablets, may be assessed weighing about 200 grams which is below the commercial quantity. It is further submitted that the other recovered contraband, i.e., 2.267 kg of poppy straw, is admittedly below the commercial quantity. The petitioner is behind the bars since 10.12.2025 without any criminal past and charge-sheet has been filed. The trial of the case may take considerable time and no further custodial interrogation is required. Hence, the bail application of the petitioner may be allowed.

6. Learned Public Prosecutor has vehemently opposed the bail application.

7. On consideration of the rival submissions and material available on record and in the light of submission made by learned counsel for the petitioner but without expressing any

opinion on merits/demerits of the case, I am inclined to grant benefit of bail to the petitioner.

8. Consequently, the bail application under Section 483 B.N.S.S. is allowed and it is directed that the petitioner **Thana Ram S/o Bhanwra Ram**, be released on bail provided he furnishes a personal bond in the sum of Rs.50,000/- with two sureties in the sum of Rs.25,000/- each to the satisfaction of the learned trial court with the stipulation that he shall appear before that Court on all subsequent dates of hearing till conclusion of the trial.

9. Before parting with the order, this Court expresses serious concern over the casual and negligent manner in which the investigation has been conducted. Failure to conduct proper weighment of seized narcotics substance reflects gross dereliction of duty. Hence, the Commissioner of Police concerned is directed to :-

- i. Conduct a preliminary inquiry into the conduct of defaulting officials.
- ii. Fix responsibility for such lapses.
- iii. Take appropriate departmental action in accordance with law.
- iv. Ensure strict compliance of statutory provisions and standing instructions in future investigations under the NDPS Act.

10. A compliance report be submitted before this Court within a period of two months.

11. Ordered accordingly.

(PRAMIL KUMAR MATHUR),J