

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

S.B. Criminal Miscellaneous Bail Application No. 485/2025

Chotu S/o Bularam Meghwal, Aged About 32 Years, R/o Sultana
Ahiram , W.no. 7 Teshil Bhuwana, P.s. Singhana Dist Jhunjhunu
Raj (At Present Lodged In Dist Jail Chittorgarh)

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s)	:	Mr. Ravinder Kumar Charan
For Respondent(s)	:	Mr. K.S. Nahar, Spl. PP-CBN

HON'BLE MR. JUSTICE SUNIL BENIWAL

Order

11/12/2025

1. This application for bail has been filed by the petitioner under Section 483 of BNSS (old Section 439 of Cr.P.C.) in connection with Case No.19/2024 registered at CBN Kota, for the offence under Section 8/15 of NDPS Act.
2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case and false allegations have been levelled against him. He further submits that 61 Kg of Poppy Straw was recovered from the conscious possession of the petitioner on 11.11.2024 on the basis of which case under Section 8/15 of NDPS Act was registered. It is contented by learned counsel for the petitioner that quantity recovered from the possession of the petitioner is marginally above the commercial quantity. It is further submitted that petitioner was arrested on the spot on the same day i.e. on 11.11.2024 and is in custody since then. The petitioner has gone through incarceration of more

than a year. Out of six witnesses only one witness has been examined and therefore trial is likely to take considerable time. While making submission on merit, learned counsel for the petitioner submits that recovery memo was not prepared on the spot and further the samples were not sent within 72 hours and there was inordinate delay of 11 days.

He further submits that there are no criminal antecedents of like nature against the present petitioner. Based on above submissions, learned counsel for the petitioner submits that the petitioner may be enlarged on bail.

3. Learned Public Prosecutor vehemently opposes this bail application and submits that recovery of the contraband was made from the conscious possession of the petitioner. He further submits that the contraband recovered is of more than commercial quantity and therefore, petitioner may not be enlarged on bail. He submits that as far as recovery memo is concerned, the same was prepared after following due procedure of law. However even if there was some procedural lapse, it would not vitiate the proceedings and no prejudice would be caused to the present petitioner.

4. Heard submission made by counsel for the parties.

5. Having considered the rival submissions, facts and circumstances of this case and after perusing the challan papers so also the fact that petitioner has already suffered incarceration of more than a year; contraband recovered is marginally higher than commercial quantity; there are no criminal antecedents of the petitioner of like nature so also considering the fact that whether the recovery memo was prepared after following due

procedure of law and the samples collected were sent within time or not are the issues are to be decided during the trial after examining the witnesses; in the considered opinion of this Court, no fruitful purpose would be served by keeping the petitioner behind the bars for an indefinite period. Thus, without expressing any opinion on merits/demerits of the case, this Court is of the opinion that the bail application filed by the applicant deserves to be accepted.

5. Accordingly, the bail application filed under Section 483 of BNSS is allowed. It is ordered that petitioner-**Chotu S/o Bularam Meghwal**, shall be released on bail in connection with the aforesaid case; provided he executes personal bond in the sum of Rs.1,00,000/- with two sound and solvent sureties of Rs.50,000/- each to the satisfaction of learned trial Court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

6. It is however, made clear that findings recorded/observations made above are for limited purposes of adjudication of bail application. The trial court shall not get prejudiced by the same.

(SUNIL BENIWAL),J