

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 1986/2026
Birbal Vishnoi S/o Rana Ram Vishnoi, Aged About 29 Years, R/o
Panwaroan Ka Mohalla Feench Tahsil Luni District Jodhpur
Rajasthan. (At Present Lodged In Dist. Jail Sirohi)

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s) : Mr. Vijay Kumar Gaur
For Respondent(s) : Mr. Pawan Kumar Bhati, PP

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT
Order
27/03/2026

The instant second application for bail under Section 483 of BNSS (439 of Cr.P.C.) has been filed on behalf of petitioner who has been arrested in the present matter. The requisite details of the matter are tabulated herein below:

S. No.	Particulars of the case	
1.	FIR Number	265/2025
2.	Police Station	Pindwara
3.	District	Sirohi
4.	Offences alleged in the FIR	Sections 8 & 15 of NDPS Act
5.	Offences added, if any	Sections 29 & 25 of NDPS Act and Section 347(1) of BNS

The first bail application of petitioner was dismissed as not pressed vide order dated 09.12.2025 passed by this Court in S.B. CRLMB No.12912/2025, however, liberty was granted to petitioner to file afresh application after filing of the challan.

Now, challan has been filed. Hence the present bail application.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is contended

that no recovery was affected from the petitioner. The alleged contraband was recovered from the co-accused persons, Tejaram and Rakesh Godara, and that the petitioner has been implicated on the basis of their statements alleging that the contraband was intended to be supplied to him. It is further submitted that the petitioner has no criminal antecedents of similar nature pending against him. It is also pointed out that FIR No. 150/2023, registered at Police Station Luni for the offence under Section 8/18 of the NDPS Act, has been erroneously referred to in the impugned order. In this regard, learned counsel has placed on record an E-Courts Services report, which reflects that the offence in the aforesaid FIR pertains instead to the offences under IPC, POCSO Act and the IT Act. Furthermore, challan has already been filed and petitioner has been in custody since 31.08.2025 and trial of case will take sufficiently long time, therefore, benefit of bail may be granted to accused-petitioner.

Per contra, learned Public Prosecutor has opposed present bail application and submits that there is one criminal antecedent pending against the petitioner, however, he reserves no objection to the wrong details mentioned in the impugned order. Learned Public Prosecutor submits that though recovery was not affected from the petitioner, the co-accused were transporting the contraband on the instructions received by them for supplying it to the petitioner and an amount was also transferred for this purpose in the name of one Kailash Chandra.

In response, learned counsel for the petitioner submits that the so called transaction of amount was not made by the

petitioner to either Kailash or so called suppliers, rather, same has been made to one Khayalilal, who is cited as a witness.

Having heard and considered the rival submissions, facts and circumstances of the case as well as perused material available on record; considering the fact that no recovery was affected from the petitioner; challan has already been filed and petitioner has been in custody since 31.08.2025 and trial of case will take significant time; without expressing any opinion on merits/demerits of the case, this Court is inclined to enlarge petitioner on bail.

Consequently, bail application under Section 483 of BNSS (439 Cr.P.C.) is allowed. It is ordered that accused-petitioner as named in the cause title, arrested in connection with above mentioned FIR, shall be released on bail, if not wanted in any other case, provided he/she/they furnishes a personal bond of Rs.1,00,000/- and two sureties of Rs.50,000/- each, to the satisfaction of learned trial court, for his/her/their appearance before that court on each & every date of hearing and whenever called upon to do so till completion of the trial.

(MUKESH RAJPUROHIT),J