

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 2586/2026

Joga Ram S/o Mota Ram, Aged About 50 Years, R/o Dhandhora
Ps Asop Dist Jodhpur (At Present Lodged In Central Jail,
Jodhpur)

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

Connected With

S.B. Criminal Miscellaneous Bail Application No. 2585/2026

Jeevan Ram S/o Chela Ram, Aged About 35 Years, R/o
Dhandhrora Ps Asop Dist Jodhpur (At Present Lodged In Central
Jail Jodhpur)

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s)	:	Mr. Ram Niwas
For Respondent(s)	:	Mr. Urja Ram Kalbi, PP

HON'BLE MR. JUSTICE PRAMIL KUMAR MATHUR

Order

26/02/2026

1. The petitioners have filed these bail applications under Section 483 of BNSS in FIR No.20/2026 registered at Police Station Aasop, District Jodhpur Rural for offence under Sections 8/18, 20 of NDPS Act.
2. Since both these bail applications arise out of common FIR, hence, they are being decided by this common order.

3. Heard learned counsel for the petitioners as well as learned Public Prosecutor and perused the material available on record.

4. Learned counsel for the petitioners submits that contraband 18 plants of ganja and 438 plants of opium, which are prohibited under the provisions of NDPS Act have been recovered from the present petitioners.

He further submits that as per the definition of '*Ganja*' given under Section 2(iii)(b), it is only the flowering or fruit tops of the cannabis plants, excluding the seeds and leaves, when not accompanied by the tops, it would become Ganja. In the present case, the allegation against the present petitioner is of cultivation of cannabis plants and nothing more.

He also submits that as per NDPS Act there is no prescribed quantity for cultivation of opium poppy that can be treated as either small or commercial quantity. Section 18 of the NDPS Act, which discusses the punishment for contravention in relation to opium poppy and opium, prescribes punishment for small quantity in sub-clause (a), for commercial quantity in sub-clause (b) and all other cases are covered under sub-clause (c). Thus, the corresponding punishment-prescribing provision for offence under Section 8(b) would be Section 18(c). Therefore, it can be safely inferred from the above that the restriction contained under Section 37 of provision of bail will not operate in the present case.

The petitioners are in custody since 16.02.2026 with no criminal past. The trial of the case will take considerable time, therefore, no fruitful purpose would be served by keeping the petitioners in further custody and the bail application of the petitioners may be allowed.

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

6. On consideration of the rival submissions and material available on record and in the light of submission made by learned counsel for the petitioners but without expressing any opinion on merits/demerits of the case, I am inclined to grant benefit of bail to the petitioners.

7. Consequently, the bail applications under Section 483 B.N.S.S. are allowed and it is directed that the petitioners **Joga Ram S/o Mota Ram** and **Jeevan Ram S/o Chela Ram** be released on bail provided each of them 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 each of them shall appear before that Court on all subsequent dates of hearing till conclusion of the trial.

(PRAMIL KUMAR MATHUR),J