

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODH-PUR

S.B. Criminal Miscellaneous Bail Application No. 3722/2026

Kaluram S/o Udayram Gurjar, Aged About 31 Years, R/o Amba Beri,police Station Bijaypur,district Chittorgarh,rajasthan (Lodged In District Jail, Chittorgarh)

-----Petitioner

Versus

State Of Rajasthan, Through PP

-----Respondent

For Petitioner(s) : Mr. Bhagirath Ray Bishnoi
For Respondent(s) : Mr. Pawan Bhati, PP

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

27/03/2026

This second application for bail under Section 483 of BNSS (439 Cr.P.C.) has been filed by 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	504/2024
2.	Police Station	Kotwali
3.	District	Chittorgarh
4.	Offences alleged in the FIR	Sections 8/15 of NDPS Act & 345 of BNS
5.	Offences added, if any	

The 1st bail application filed on behalf of petitioner i.e. S.B. Criminal Misc. Bail Application No.7704/2025 was dismissed vide order dated 27.11.2025 passed by this Court with the liberty to the petitioner to file fresh bail application after recording of the statement of Seizure Officer. Now the statement of Seizure Officer

has been recorded. Hence, this second application for bail has been filed.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is further submitted that the petitioner was copassanger of the vehicle from which the contraband was recovered whereas Chhotu Singh was the driver and the alleged recovery of contraband was stated to be affected on 28.11.2024 whereas same were sent for the FSL on 13.01.2025, after an inordinate and unjustified delay of 45 days. He has also submitted that Clause 1.13 of Standing Order No.1/1988 dated 15.03.1988, mandates that samples drawn ought to have been sent for FSL examination within 72 hours from recovery.

Learned counsel further submits that the Seizure Officer, in his statement recorded before the learned Trial Court, has also admitted that the sample was sent to the FSL after a delay.

Learned counsel for the petitioner has placed reliance on the judgment rendered in ***Rambabu v. State of Rajasthan (SLP (Crl.) No. 5648/2025 and SLP (Crl.) No. 5732/2025)***, decided on 13.08.2025, wherein relief was granted considering the delay and lack of substantive evidence.

Learned counsel for the petitioner also relied upon the judgment rendered by the Hon'ble Supreme Court in ***Wajid Ali @ Tinku Vs. State of Rajasthan (Special Leave to Appeal No.7049/2025)*** decided on **09.02.2026**.

It is further submitted by learned counsel that out of total 21 prosecution witnesses, statement of only 2 witness have been recorded and the pace of the trial is very slow.

It is further submitted that the challan has already been filed; petitioner has no previous antecedents and the petitioner is in custody since 28.11.2024; i.e. 1 year, 3 months and 27 days as on today; the trial of the case is likely to take a sufficiently long time to conclude; therefore, further incarceration of the petitioner is not warranted, and the benefit of bail deserves to be granted.

Per contra, learned Public Prosecutor has vehemently opposed the bail applications and submitted that the petitioner was co-passenger of the vehicle from which the contraband was recovered therefore, he may not be enlarged on bail. However, he is not in a position to refute the fact that the FSL samples were sent after an inordinate delay of about 45 days and that the petitioner has no previous criminal antecedent.

Having heard and considered the rival submissions, facts and circumstances of the case as well as perused material available on record; considering Clause 1.13 of Standing Order No.1/1988 dated 15.03.1988, which mandates that samples drawn ought to have been sent for FSL examination within 72 hours from recovery; the challan has already been filed; the petitioner has remained in custody since 28.11.2024, i.e. 1 year, 3 months and 27 days as on today; and petitioner does not have any previous antecedent; only two witness has been examined out of 21 and that the trial of the case will take sufficient long time to conclude;

without expressing any opinion on merits/demerits of the case, this Court is inclined to enlarge the petitioner on bail.

Consequently, the second bail application under Section 483 of BNSS (439 Cr.P.C.) is allowed. It is ordered that the accused-petitioner as named in the cause title, arrested in connection with the above mentioned FIR, shall be released on bail, if not wanted in any other case, provided applicant 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 their appearance before that court on each & every date of hearing and whenever called upon to do so till completion of the trial.

In case, the petitioner remains absent on any date of hearing or makes an attempt to delay the trial by seeking unnecessary adjournments, it shall be taken as a misuse of concession of bail granted to him by this Court. The prosecution, in such a situation, shall be at liberty to move an application seeking cancellation of bail granted to the petitioner today by this Court.

(MUKESH RAJPUROHIT),J