

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 2708/2026

Shiv Lal Alias Shiv Kumar S/o Vardichand, Aged About 39 Years,
Resident Of Gomana, Police Station Chhotisadri, District
Pratapgarh Raj. (Presently Lodged In District Jail, Pratapgarh)

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s)	:	Mr. Zeeshan Ali. Mr. Aslam Khan.
For Respondent(s)	:	Mr. Pawan Bhati, PP.

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

25/02/2026

The instant 2nd application for bail under Section 483 of BNSS (439 of Cr.P.C.) has been filed by the 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	32/2022
2.	Police Station	Dhamotar
3.	District	Pratapgarh
4.	Offences alleged in the FIR	Under Sections 8/15, 25, 15(c) and 8/29 of the NDPS Act.
5.	Offences added, if any	Under Sections 25, 15(c) and 8/29 of the NDPS Act.

The 1st bail application filed on behalf of petitioner i.e. S.B. Criminal Misc. Bail Application No.11145/2025 was dismissed vide order dated 16.10.2025 passed by this Court with the liberty to

the petitioner to file fresh bail application after filing of the challan. After rejection of first bail application, challan has been filed. Hence, this second application for bail has been filed.

It is contended by learned counsel for the petitioner that as per the conclusion drawn in the charge-sheet, the petitioner has been implicated in the present case only on the basis of the statement of co-accused Dilip Anjana. Learned counsel has drawn the attention of this Court towards the statement so recorded, wherein Dilip Anjana named Kamal Singh, upon whose instance the alleged contraband was stated to have been filled in the container, and the statement reads as under:—

“इस समय जैर हिरासत अभियुक्त दिलीप आंजना ने मुझ अनुसंधान अधिकारी को हवालात के पास इशारा देकर बुलाया व बताया कि मैंने वर्ष 2022 में कमल सिंह राणा के अवैध डोडा पोस्ट कंटेनर में भरवाया था वह अवैध डोडा पोस्ट भरवाने वाले शिवलाल पाटीदार निवासी बरखेडा ने 04 विक्टल व शिवलाल पाटीदारी निवासी गोमाणा ने 13 विक्टल अवैध डोडा पोस्ट भरवाया था। मेरे मार्फत भरवाया था मैं उनके दार चल बता सकता हूं।”

Learned counsel for the petitioner submits that the co-accused Dinesh @ Kalu, Dilip, Kamal Singh and Dinesh have already been enlarged on bail by this Court vide orders dated 29.07.2025, 19.12.2024, 28.03.2023 passed in S.B. Criminal Misc. Bail Application Nos. 6526/2025, 10673/2024, 6190/2024 and 11800/2022, respectively.

Learned counsel for the petitioner submits that the petitioner is in custody since 11.08.2025, the charge-sheet has already been filed and the trial of the case will take sufficiently long time, therefore, the benefit of bail may be granted to the accused-petitioner.

Per contra, learned Public Prosecutor has vehemently opposed the bail application and stated that one criminal antecedent of similar nature is pending against the present petitioner. However, he is not in a position to dispute the fact that the above named co-accused persons has already been enlarged on bail.

Having heard and considered the rival submissions, facts and circumstances of the case as well as perused the material available on record; considering the fact that co-accused persons have already been enlarged on bail, charge-sheet has already been filed and the petitioner is in custody since 11.08.2025 and the trial will take sufficiently 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 2nd bail application under Section 483 of BNSS (439 of 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 he 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 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