

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR

S.B. Criminal Miscellaneous II Bail Application No. 3031/2026

Ajay Alias Ransingh S/o Krishna Kumar Vishnoi, Aged About 39 Years, R/o Bhodiya Kheda, police Station Fatehabad, (Haryana), At Present A 18 Dream Land Colony, hanumangarh, 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. N.S. Chandawat, DyGA

HON'BLE MR. JUSTICE FARJAND ALI

Order

08/05/2026

1. The jurisdiction of this Court has been invoked by way of filing an application under Section 483 of the BNS at the instance of accused-petitioner. The requisite details of the matter are tabulated herein below:

S.No.	Particulars of the Case	
1.	FIR Number	89/2023
2.	Concerned Police Station	Bassi
3.	District	Chittorgarh
4.	Offences alleged in the FIR	Under Sections 8/15, 18, 25 and 29 of the NDPS Act
5.	Offences added, if any	-
6.	Date of passing of impugned order	19.02.2026

2. It is contended on behalf of the accused-petitioner that no case for the alleged offences is made out against the petitioner and he has been made an accused based on

conjectures and surmises. There are no factors at play in the case at hand that may work against grant of bail to him and his further incarceration is not warranted. There is no recovery from the petitioner and he has been made accused based upon the statement of the statement of the co-accused while in custody. He is behind the bars for last nearly 2 years. On these grounds, prays that the petitioner may be granted indulgence of bail.

3. Contrary to the submissions of learned counsel for the petitioner, learned Public Prosecutor opposes the bail application and submits that the present case is not fit for enlargement of accused on bail.
4. I have considered the submissions made by both the parties and have perused the material available on record. The petitioner has been languishing in judicial custody for almost two years and the trial is not likely to conclude in the near future. No recovery whatsoever has been effected from the present petitioner. The entire implication of the petitioner rests only upon the alleged disclosure/confessional statement said to have been made by the principal accused while in police custody before the Investigating Officer to the effect that the contraband was procured from one "Ajay Bishnoi". Learned counsel submits that such statement made before a police officer during custody is inadmissible in evidence and cannot by itself constitute substantive material so as to deny liberty to the petitioner. Except for the aforesaid assertion of the Investigating Officer based upon the custodial statement

of co-accused, there is no independent material connecting the petitioner with the alleged offence.

It is further submitted that there is a serious discrepancy regarding the identity of the petitioner himself. The petitioner's name is Ran Singh, whereas the prosecution seeks to portray him as "Ajay Bishnoi @ Ran Singh" merely on assumption. Learned counsel has produced documents reflecting the name of the petitioner only as Ran Singh without any alias of "Ajay Bishnoi". Thus, the identity of the person allegedly named in the disclosure statement itself becomes doubtful.

In absence of any recovery from the petitioner, any independent incriminating material or other legally admissible evidence, the rigours of Section 37 of the NDPS Act would not prima facie be attracted against the present petitioner. The prosecution case against him rests solely on a weak and legally doubtful foundation arising out of the custodial statement of a co-accused. There is high probability that the trial may take long time to conclude. Therefore, considering the prolonged incarceration of the petitioner, doubtful identity, absence of independent corroboration, and the settled principles governing grant of bail, the petitioner deserves to be enlarged on bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

5. Accordingly, the instant bail application under Section 483 of the BNS is allowed and it is ordered that the accused-petitioner as named in the cause title shall be enlarged on

bail provided he furnishes a personal bond in the sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the learned trial Judge for his appearance before the court concerned on all the dates of hearing as and when called upon to do so.

(FARJAND ALI),J

44-Pramod/-