

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Miscellaneous Bail Application No. 2757/2025

1. Insaf S/o Safi Mohammad, Aged About 21 Years, R/o
 Mugda Road, Balotra, P.S. Balotra, Dist Balotra.
 (Presently Lodged In Sub Jail Balotra)
2. Shankar S/o Om Prakash, Aged About 21 Years, R/o
 Behind Baori Basti, Bhandiyawas Road, Balotra, P.S.
 Balotra, District Balotra.
 (Presently Lodged In Sub Jail Balotra)

----Petitioners

Versus

State Of Rajasthan, Through PP

----Respondent

Connected With

S.B. Criminal Miscellaneous Bail Application No. 2756/2025

Firoz S/o Fakir Mohammad, Aged About 28 Years, R/o Nurani
Mohalla, Balotra, P.S. Balotra, District Balotra.
(Presently Lodged In Sub Jail Balotra)

----Petitioner

Versus

State Of Rajasthan, Through PP

----Respondent

For Petitioner(s)	:	Mr. JVS Deora
For Respondent(s)	:	Mr. Hanuman Prajapati, PP

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

14/07/2025

These applications for bail under Section 483 of BNSS (439 Cr.P.C.) have been filed by the petitioners who have been arrested in connection with F.I.R. No.34/2025 registered at Police Station Balotra, District Balotra, for offences under Sections 8/21, 58(2) of the NDPS Act and under Section 229 & 61(2)(A) of the BNS.

Heard learned counsel for the petitioners and learned Public Prosecutor. Perused the material available on record.

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in this matter. Learned counsel further submits that as per the FIR, narcotic contraband recovered from the petitioners was MDMA (3, 4-Methylenedioxymethamphetamine) for which commercial quantity is 10 gms however, the alleged recovered narcotic contraband is not MDMA but MD (Mephedrone). It is further submitted that the Co-ordinate Bench of this Court vide order dated 02.07.2025 has summoned the FSL report and today, the learned Public Prosecutor has produced the FSL report dated 27.06.2025 and as per the FSL report the result of examination is as follows:

*"The sample packed in the packet marked **AF** gave positive tests for the presence of Mephedrone (4-Methylmethcathinone). Presence of MDMA could not be detected in the sample packed in the packet marked **AF**.
Note:- Mephedrone is listed under NDPS Act."*

Learned counsel for the petitioners submits that as per this FSL report received by the learned Public Prosecutor the narcotic contraband (MD) which was recovered from the petitioner is below commercial quantity (50 gms). He further submits that no criminal antecedents of NDPS act are pending against the petitioners therefore, they may be enlarged on bail. Learned counsel for the petitioners submits that the petitioners are in judicial custody since 05.02.2025 and the trial of the case will take sufficiently long time, therefore, the benefit of bail may be granted to the accused-petitioners.

Per contra, learned Public Prosecutor has vehemently opposed the bail applications; however, he is not in a position to dispute the result of the FSL report dated 27.06.2025 and that the contraband recovered in this matter is below commercial quantity.

Having considered the rival submissions, facts and circumstances of the case; more specifically the FSL report and considering the fact that there are no criminal antecedents of NDPS act pending against the petitioners, and that the narcotic contraband alleged to have been recovered in the matter is below commercial quantity; without expressing any opinion on merits/demerits of the case, this Court is inclined to enlarge the petitioners on bail.

Consequently, these bail applications under Section 483 of BNSS (439 Cr.P.C.) are allowed. It is ordered that the accused-petitioners **(1) Insaf S/o Safi Mohammad, (2) Shankar S/o Om Prakash and (3) Firoz S/o Fakir Mohammad**, arrested in connection with F.I.R. No.34/2025 registered at Police Station Balotra, District Balotra, shall be released on bail, if not wanted in any other case, provided 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 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