

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

S.B. Criminal Miscellaneous Bail Application No. 2911/2025

Baburam @ Babulal S/o Sawairam, Aged About 28 Years, R/o Ratdiya, P.s. Bhaniyana, Jaisalmer Dist. Jaisalmer,raj. (Lodged In Dist. Jail, Jaisalmer)

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s)	:	Mr. Aslam Khan Mr. Zeeshan Ali
For Respondent(s)	:	Mr. Urja Ram, PP

HON'BLE DR. JUSTICE NUPUR BHATI

Order

17/07/2025

1. Heard learned counsel for the parties as well as perused the material available on record.
2. The instant bail application has been filed by petitioner under Section 483 B.N.S.S. in connection with FIR No.29/2024 dated 01.05.2024 registered at Police Station Bhaniyana, District Jaisalmer for the offence under Sections 8/17, 8/18, 8/25, 8/29 of the NDPS Act.
3. Learned counsel for the petitioner submits that the petitioner has been falsely roped in this case. He submits that the on 01.05.2024, the police officials received an information related to illegal contraband; they went to one Gomaram's house where opium milk weighing 11 kgs 5 gms was recovered from the camper car in which one person was sitting when he saw the police officials, he left the said vehicle and fled away and after investigation, he was identified as Gomaram. He submits that the petitioner has been implicated in the case upon the

disclosure information given by co-accused Gomaram who stated that the said contraband has been purchased from the petitioner. He also submits that other than this, there is no other evidence against the petitioner to corroborate the fact that he committed the said offence. While drawing attention of the Court towards the charge-sheet, he submits that out of the total contraband weighing 11 kgs 5 gms, only 2 kg opium milk has been found to be supplied by the present petitioner to co-accused Chetan Ram and the said contraband is below commercial quantity. Learned counsel for the petitioner further submits that the petitioner has one criminal antecedent of similar nature in which he has been enlarged on bail by the Co-ordinate Bench of this Court vide order dated 21.12.2022 passed in SB CRLMB No.16252/2022 while observing that the petitioner was implicated upon the disclosure information of the main accused from whom the contraband was recovered. He submits that the petitioner is in custody since 07.12.2024. He further submits that charge-sheet has been filed and no recovery is due against the petitioner, thus the petitioner deserves to be enlarged on bail.

4. Learned Public Prosecutor opposes the bail application, however, is not in a position to refute the submissions that the petitioner has been implicated upon the disclosure information of the co-accused Gomaram. He is also not in a position to refute that the contraband weighing 2 kg opium milk has been found to be supplied by the present petitioner to co-accused Chetan Ram and the said contraband is below commercial quantity and charge-sheet has been filed.

5. In view of above and, having regard to the entirety of facts and circumstances of the case as available on record and looking to the fact that the trial will consume time and without expressing any opinion on

the merits/demerits of the case, this Court is of the opinion that the petitioner deserves to be released on bail.

6. Accordingly, the bail application under Section 483 B.N.S.S. is allowed and it is ordered that the accused-petitioner- **Baburam @ Babulal S/o Sawairam**, arrested in relation to FIR No.29/2024 dated 01.05.2024 registered at Police Station Bhaniyana, District Jaisalmer shall be enlarged on bail provided he furnishes a personal bond in 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.

(DR.NUPUR BHATI),J

SURABHII/28-