

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODH-
PUR**



S.B. Criminal Miscellaneous 2nd Bail Application No. 3696/2026

Mohan Ram S/o Shri Ratiram, Aged About 53 Years, R/o Jakhado
Ki Dhani, Savdi Police Station Shri Balaji, District Nagaur At
Present Ward No 21 Bangala Nagar, Behind Choudhary Dharma
Kanta, Chungi Choki, Bikaner State Rajasthan Presently Lodged
At Central Jail Bikaner

-----Petitioner

Versus

State Of Rajasthan, Through Public Prosecutor

-----Respondent

For Petitioner(s) : Mr. Ajeet Singh

For Respondent(s) : Mr. Surendra Bishnoi, P.P.

HON'BLE MR. JUSTICE RAVI CHIRANIA

Order

05/05/2026

1. The instant second misc. bail application has been filed by the petitioner Mohan Ram S/o Shri Ratiram, who was arrested by the police in connection with the FIR bearing No.187/2025 dated 27.08.2025 registered at Police Station Mukta Prasad Nagar, Bikaner for the offences punishable under Section 8 read with Section 15 of the N.D.P.S. Act, 1985. The first bail application of the petitioner was dismissed by this Court vide order dated 06.11.2025.

2. Learned counsel submits that the petitioner has filed the misc. second bail application after recording of the statement of the Seizure Officer as PW-1 on 16.02.2026. Learned counsel further submits that the alleged contraband substance recovered from the petitioner is below commercial quantity and further in re-

spect of the FIR registered on 27.08.2025, police has already filed the charge-sheet on 24.10.2025 and accused is behind the bars since long.

3. Learned counsel submits that the petitioner has already been enlarged on bail in other cases which are of the year 2023 & 2024 where he was implicated in two FIRs, one after the other at the same police station and he is already on bail in all the cases. Learned counsel submits that except the three (two in the same police station) there is no other criminal case of any nature and also cases under the N.D.P.S. Act are nothing but a false implication for offences under the N.D.P.S. Act.

3.1 Learned counsel submits that as far as the present case is concerned, though the police has shown the recovery of the alleged contraband substance, however, same is below the commercial quantity, i.e., 2.5 Kg Doda and he has been falsely implicated in the present case. Learned counsel further submits that the statement of the Seizure Officer also failed to show the involvement of the petitioner herein, rather there are serious violations in following the complete procedure, as noted from the statement of Seizure Officer. In view thereof, learned counsel prays that the petitioner may be enlarged on bail by this Court.

4. Learned Public Prosecutor strongly opposes the bail application by submitting that the petitioner already has three pending cases of the N.D.P.S. Act in the past and the present case is the fourth one.

5. This Court after considering the fact that the petitioner has already been enlarged on bail in all the three cases. As far as the two cases of the year 2023 are concerned, this Court noted that

the cases were registered one after the other at the same police station, and in the case of the year 2024, the FIR was registered at Police Station Mukta Prasad Nagar in which the allegations were under Section 29, where no recovery was made from him.

6. As far as the present case is concerned, the alleged contra-band substance is below commercial quantity and this Court noted serious contradiction in the statement of the Seizure Officer recorded as PW-1 and the same are about non-observance of the procedure as provided in the Rules. In view of the above, without making any comments on the merits of the case and noticing the fact that the petitioner is behind the bars from August, 2025, this Court is inclined to exercise its power under Section 483 B.N.S.S. and deems it just and proper to enlarge the accused-petitioner on bail.

7. Accordingly, the bail application filed under Section 483 B.N.S.S. is allowed and it is directed that accused-petitioner **Mohan Ram S/o Shri Ratiram** shall be released on bail, provided he executes a personal bond in a sum of Rs.1,00,000/-with two sound and solvent sureties of Rs.50,000/- to the satisfaction of the learned trial Court for their appearance before that Court on each and every date of hearing and whenever called upon to do so till the completion of the trial. The petitioner is further directed not to take undue advantage of liberty or misuse liberty. It is made clear that the observation as made by this Court in the bail applications will not affect the trial of the case.

8. It is further directed that in case, the petitioners is found to be involved in any case within two years from the

date of passing of this order, learned Public prosecutor shall file an application for cancellation of the bail.

9. During the pendency of the trial the petitioner would appear on all the dates fixed by the Trial Court. Further, he would mark his presence for a period of two years before the S.H.O. of the area of which he is a resident, and the concerned S.H.O. shall maintain his presence in a proper register.

(RAVI CHIRANIA),J

Dushyant/8