

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 3585/2026

1.

Radheshyam S/o Rama Ram, Aged About 27 Years, R/o B Isalpur,police Station Dangiyawas, District Jodhpur, Rajasthan (Lodged In Sub Jail,jaitaran)
2.

Ashok S/o Bhanwar Lal, Aged About 29 Years, R/o Choupsani Charna Rampura, Police Station Mathaniya,district Jodhpur, Rajasthan At Present R/o Thakur Shambhudan Nagar, Mathaniya, Police Station Mathaniya, District Jodhpur, Rajasthan (Lodged In Sub Jail, Jaitaran)

-----Petitioners

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s)

:

Mr. B.Ray Bishnoi.
Mr. Hemant Jangir.

For Respondent(s)

:

Mr. Pawan Bhati, PP.

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

27/03/2026

This second application for bail under Section 483 of BNSS (439 Cr.P.C.) has been filed by the petitioners who have 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	212/2024
2.	Police Station	Sendra
3.	District	Pali
4.	Offences alleged in the FIR	Under Sections 8/15 of NDPS Act.
5.	Offences added, if any	-

The 1st bail applications filed on behalf of petitioners i.e. S.B. Criminal Misc. Bail Application No.10348/2025 and 10349/2025 were dismissed vide order dated 28.10.2025 passed by this Court with the liberty to the petitioners to file fresh bail application after recording the statement of Seizure Officer. After rejection of first bail applications, the statement of Seizure Officer, has been recorded. Hence, this second application for bail has been filed.

It is contended by learned counsel for the petitioners that the allegations levelled against the petitioners are false and fabricated. It is submitted by learned counsel for the petitioners that as per the prosecution case, on 29.09.2024 at about 01:30 PM, while on patrol duty, police party reached Kalabad Tiraha. At that time, a white Swift car bearing registration No. RJ-14-CU-2567 was seen coming at a high speed from the side of Beawar. Upon being signalled to stop, the driver allegedly turned the vehicle towards Sendra town and attempted to flee, whereupon the police party chased the vehicle. During the chase, the vehicle went ahead at a very high speed and eventually collided with cement blocks on the roadside, resulting in damage to the tyre and rim.

It is further alleged that upon reaching the spot and making enquiries, the driver disclosed his name as Petitioner No.1-Radheshyam, and the person sitting on the co-passenger seat disclosed his name as Petitioner No.2-Ashok. Thereafter, a search of the vehicle was conducted, and a total of 146.740 kg of doda post, packed in eight bags, was recovered without any valid license.

It is further submitted that alleged recovery of contraband was stated to be affected on 29.09.2024 whereas same were sent for the FSL on 08.10.2024, after an inordinate and unjustified delay of 9 days. He has also submitted that Clause 1.13 of Standing Order No.1/1988 dated 15.03.1988, mandates that samples drawn ought to have been sent for FSL examination within 72 hours from recovery.

Learned counsel for the petitioners has placed reliance on the judgment rendered in **Rambabu v. State of Rajasthan (SLP (Crl.) No. 5648/2025** and SLP (Crl.) No. 5732/2025), decided on 13.08.2025, wherein relief was granted considering the delay and lack of substantive evidence.

Learned counsel for the petitioners also relied upon the judgment rendered by the Hon'ble Supreme Court in **Wajid Ali @ Tinku Vs. State of Rajasthan (Special Leave to Appeal No.7049/2025)** decided on 09.02.2026.

It is further submitted that co-accused petitioner No.1 Radhey Shyam has one previous antecedent, wherein he was enlarged on bail by this Court vide order dated 01.07.2022 passed in in S.B. Criminal Misc. Bail Application No.7982/2021 and Petitioner No.2 has no previous antecedents.

It is also submitted that the challan has already been filed and the petitioners are in custody since 29.09.2024, i.e. for about 1 year, 5 months, and 26 days as on today; the trial of the case is likely to take a sufficiently long time to conclude as out of total 19 prosecution witnesses, the statement of only one witness; that is

of Seizure Officer; has been recorded till date, therefore, further incarceration of the petitioners is not warranted, and the benefit of bail deserves to be granted.

Per contra, learned Public Prosecutor has vehemently opposed the bail applications and submitted that the contraband recovered in this case is in commercial quantity, however, he is not in a position to refute the fact that out of total 19 prosecution witnesses, statement of only one witness have been recorded and the FSL samples were sent after an inordinate delay of about 9 days.

Having heard and considered the rival submissions, facts and circumstances of the case as well as perused material available on record; considering Clause 1.13 of Standing Order No.1/1988 dated 15.03.1988, which mandates that samples drawn ought to have been sent for FSL examination within 72 hours from recovery; the challan has already been filed; the petitioners have remained in custody since 29.09.2024, i.e. for about 1 year, 5 months, and 26 days as on today; and since only one witness has been examined out of 19; the trial of the case will take sufficient long time to conclude; without expressing any opinion on merits/demerits of the case, this Court is inclined to enlarge the petitioners on bail.

Consequently, the second bail application under Section 483 of BNSS (439 Cr.P.C.) is allowed. It is ordered that the accused-petitioners 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 each of them furnish 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.

In case, the petitioners remains absent on any date of hearing or makes an attempt to delay the trial by seeking unnecessary adjournments, it shall be taken as a misuse of concession of bail granted to them by this Court. The prosecution, in such a situation, shall be at liberty to move an application seeking cancellation of bail granted to the petitioners today by this Court.

(MUKESH RAJPUROHIT),J