

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

S.B. Criminal Miscellaneous **IV** Bail Application No. 3797/2026

Rajeev Kumar Alias Vijay Kumar S/o Janakraj, Aged About 40 Years, R/o Village Tappi, police Station Oda, district Sirsa, At Present Ward No. 06, Near Fci Godown, indra Nagar, mandi Dabwali, district Sirsa, (Hr) (Lodged In Central Jail, churu)

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

For Petitioner(s)	:	Mr. Bhagirath Ray Bishnoi Mr. Manohar Singh
For Respondent(s)	:	Mr. Narendra Gehlot, PP

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

08/05/2026

This fourth application for bail under Section 439 Cr.P.C. has been filed by the petitioner who has been arrested in connection with FIR No.6/2022 registered at Police Station Chapar, District Churu, for offence under Section 8/22, 25 and 29 of the NDPS Act.

Learned counsel for the petitioner submitted that, as per the prosecution case, during nakabandi on 21.01.2022, a police team from Police Station Chapar apprehended a Mahindra Xylo car bearing registration No. HR-22-Q-3176, which was being driven by the co-accused, and in which the petitioner and other co-accused persons were found present. On search being conducted, 61200 Tramadol Hydrochloride 100 mg Tablets (huge quantity) were recovered by the police from the conscious possession of the present petitioner and other co-accused persons namely Amrik

Singh, Jagga Singh, Gagandeep Singh. Learned counsel submitted that the co-accused persons namely Gagandeep Singh (S.B. Crl. Misc. Bail Appl. No.8759/2025) & Amrik Singh (S.B. Crl. Misc. Bail Appl. No.14503/2024) vide order dated 06.01.2026, Gurpreet Singh (S.B. Crl. Misc. 2nd Bail Appl. No.6145/2024) vide order dated 03.02.2025 and Jagga Singh (S.B. Crl. Misc. 2nd Bail Appl. No.8752/2025) vide order dated 17.10.2025 have already been enlarged on bail by this Court respectively.

Learned counsel for the petitioner submitted that the petitioner has been falsely implicated in this case. Learned counsel submitted that the petitioner is in judicial custody since 21.01.2022. He further submitted that out of total 21 cited prosecution witnesses, only 4 prosecution witnesses have been examined before competent Criminal Court. He further submitted that the delay in trial is not at all attributable to the petitioner. He submitted that the petitioner is in judicial custody since last more than four years and looking to the pace at which trial is being conducted against the present petitioner, the same is not likely to be concluded in near future.

In support of his contention, learned counsel for the petitioner placed reliance on the cases of ***Rabi Prakash Vs. State of Orisa (Leave to Appeal (Criminal) No.4169/2023*** and ***Mohd Muslim @ Hussain Vs. State (NCT of Delhi) in Special Leave Petition (Crl.) No(s).915 of 2023.***

On these grounds, he implored the Court to enlarge the petitioner on bail.

Per contra, learned Public Prosecutor has vehemently opposed the bail application and submitted that petitioner is facing

trial for the offence under the NDPS Act and, therefore, the present bail application deserves to be rejected straightway. Learned Public Prosecutor, however, was not in position to refute the fact that in last more than 4 years, out of total 21 cited prosecution witnesses, only 4 witnesses have been examined till date; and the above named co-accused persons from have already been enlarged on bail by this Court.

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

Having considered the rival submissions, facts and circumstances of the case and considering the fact that the petitioner has suffered incarceration for more than 4 years and out of total 21 cited prosecution witnesses, only 4 witnesses have been examined till date, without expressing any opinion on merits/demerits of the case, this Court is of the opinion that the bail application filed by the petitioner deserves to be accepted.

Accordingly, the fourth bail application under Section 439 Cr.P.C. is allowed and it is ordered that the accused-petitioner- **Rajeev Kumar Alias Vijay Kumar S/o Janakraj** shall be enlarged on bail in connection with FIR No.6/2022 registered at Police Station Chapar, District Churu, provided he furnishes a personal bond in the sum of Rs.1,00,000/- with two sureties of Rs.50,000/- 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.

In case, the petitioner 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 him by this Court. The prosecution, in such a situation, shall be at liberty to move an application seeking cancellation of bail granted to the petitioner today by this Court.

It is however, made clear that findings recorded/observations made above are for limited purposes of adjudication of bail application. The trial court shall not get prejudiced by the same.

(KULDEEP MATHUR),J

266-himanshu/-