

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

S.B. Criminal Miscellaneous **2nd** Bail Application No. 4208/2025

Ramchandra S/o Bhanwarlal, Aged About 42 Years, Abseu
Nokha, P.S. Jasrasar, Distt. Bikaner, Raj. (At Present Lodged In
Sub Jail Gulabpura)

-----Petitioner

Versus

State of Rajasthan, Through PP.

-----Respondent

For Petitioner(s) : Mr. Mangilal Bishnoi

For Respondent(s) : Mr. Narendra Singh Chandawat, PP

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

15/07/2025

1. This second bail application under Section 483 of BNSS has been filed by the petitioner who has been arrested in connection with F.I.R. No.48/2019 registered at Police Station Badnor, District Bhilwara for the offences under Sections 8/15 and 8/25 of the NDPS Act.

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

3. Learned counsel for the petitioner submitted that in the present case, the contraband (poppy husk/straw) greater than commercial quantity was recovered from an abandoned vehicle having registration No. RJ-21-GA-5043. Learned counsel further submitted that the petitioner being the registered owner of the offending vehicle has been arrested in the present case, whereas, as a matter of fact, the offending vehicle was already sold by him

to co-accused Rameshwar Lal through an agreement to sale dated 10.08.2017. Learned counsel further submitted that since 10.08.2017, the offending vehicle was in the exclusive and conscious possession of the co-accused Rameshwar Lal and the petitioner had no knowledge whatsoever about the illegal transportation of the contraband being greater than commercial quantity by the co-accused Rameshwar Lal in the offending vehicle.

4. Learned counsel further submitted that the petitioner has been falsely implicated in the present case solely on the basis of suspicion. He further submitted that the petitioner does not have any criminal antecedent.

5. Lastly, learned counsel submitted that the petitioner is in judicial custody; investigation against the present petitioner has already been completed, and the trial of the case will take a sufficiently long time, therefore, the benefit of bail may be granted to the accused-petitioner.

6. *Per contra*, learned Public Prosecutor has vehemently opposed the bail application. However, he was not in a position to refute the fact that the contraband (poppy husk/straw) greater than commercial quantity was not recovered from the exclusive and conscious possession of the present petitioner. He was also not in a position to refute the fact that the documents placed on record by the learned counsel for the petitioner *prima facie* indicate that he had sold and handed over the offending vehicle to the co-accused Rameshwar Lal on 10.08.2017.

7. Having considered the rival submissions, facts and circumstances of the case, without expressing any opinion on merits/demerits of the case, this Court is inclined to enlarge the petitioner on bail.

8. Consequently, this second bail application under Section 483 of BNSS is allowed. It is ordered that the accused-petitioner **Ramchandra S/o Bhanwarlal** arrested in connection with F.I.R. No.48/2019 registered at Police Station Badnor, District Bhilwara, shall be released on bail, if not wanted in any other case, provided he 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 his appearance before that Court on each & every date of hearing and whenever called upon to do so till completion of the trial.

9. 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