

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

S.B. Criminal Miscellaneous **2nd** Bail Application No. 5193/2026

Jankilal S/o Laxminarayan, Aged About 30 Years, Khormaliya
Police Station Chhoti Sadri District Pratapghar (Lodged In Dist.
Jail Pratapgarh)

-----Petitioner

Versus

State Of Rajasthan, Through PP

-----Respondent

For Petitioner(s)	:	Mr. Ramesh Purohit.
For Respondent(s)	:	Mr. Narendra Gehlot, PP.

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

08/05/2026

This second application for bail under Section 483 of BNSS (439 Cr.P.C.) has been filed by the petitioner who has been arrested in connection with FIR No.315/2023 registered at Police Station Chhoti Sadri, District Pratapgarh, for offences under Sections 8/15 and 29 of the NDPS Act.

As per the prosecution, on 30.11.2023, during routine patrolling, a team of Police Station Chhoti Sadri apprehended a tractor trolley having registration No.RJ-35-RB-1144 being driven by the petitioner. On search being conducted, contraband (poppy husk/straw) weighing 212 Kgs. 380 gms. was recovered. The petitioner was arrested on the spot.

Learned counsel for the petitioner submits that the petitioner is in judicial custody since 30.11.2023. Till date, out of total 13 cited prosecution witnesses, only 5 prosecution witnesses have been examined before competent Criminal Court and the delay in

trial is not at all attributable to the petitioner. Learned counsel further submitted that the petitioner is in judicial custody since last more than 2 years 5 months 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.

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 2 years 5 months, out of total 13 cited prosecution witnesses, only 5 prosecution witnesses have been examined till date.

Heard the learned Public Prosecutor and perused the material available on record.

Having considered the facts and circumstances of the case and considering the fact that the petitioner has suffered incarceration for last more than 2 years 5 months and out of total 13 cited prosecution witnesses, only 5 prosecution 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 second bail application under Section 483 of BNSS (439 Cr.P.C.) is allowed and it is ordered that the accused-petitioner- **Jankilal S/o Laxminarayan** shall be enlarged on bail in connection with FIR No.315/2023 registered at Police Station Chhoti Sadri, District Pratapgarh, 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 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