

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR

S.B. Criminal Miscellaneous IInd Bail Application No. 5640/2026
Udai Lal Alias Uda S/o Ratan Lal, Aged About 37 Years, R/o
Pemakheda Police Station Bijaypur District Chittorgarh Rajasthan
(Presently Lodged At Central Jail Chittorgarh)

-----Petitioner

Versus

State Of Rajasthan, Through PP

-----Respondent

For Petitioner(s)	:	Mr. Shive Kumar Bhati Mr. Bharat Gurjar
For Respondent(s)	:	Mr. Vikram Singh Rajpurohit, PP Mr. Lalit Kumar Sen

HON'BLE MR. JUSTICE SUNIL BENIWAL

Order

05/05/2026

1. First S.B. Criminal Misc. Bail application was rejected by this Court vide order dated 17.02.2026 passed in S.B. Criminal Misc. Bail Application No.11228/2025.
2. This second application for bail has been filed by the petitioner under Section 483 of BNSS (old Section 439 of Cr.P.C.). The requisite details of the matter are tabulated herein below:

S.No.	Particulars of the Case	
1.	FIR Number	537/2024
2.	Date of lodging FIR	11.11.2024
3.	Concerned Police Station	Nimbahera
4.	District	Chittorgarh
5.	Offences alleged in the FIR	Sections 221, 308(3) and 308(5) of BNS.
6.	Offences added, if any	Sections 351(3) & 352 of the BNS.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case and false allegations have

been levelled against him. He submits that the first bail application was rejected primarily considering the criminal antecedents of the petitioner and more particularly the case registered under NDPS Act. He further submits that subsequent to the rejection of first bail application, the petitioner has been enlarged on bail in the said NDPS matter vide order dated 23.03.2026 passed in S.B. Criminal Misc. Petition No.2902/2026. He also submits that earlier this Court observed that there was allegation of gun shot against the petitioner on the officer on duty, however, the seizure officer, in his statement, reproduced in the order dated 23.03.2026 has clearly stated that he has not seen petitioner when the narcotics contraband was seized. The petitioner is in judicial custody since 11.07.2025 and the trial will take sufficiently long time, therefore, he deserves to be enlarged on bail.

3. Learned Public Prosecutor vehemently opposes this bail application.

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

5. Having considered the arguments advanced by the parties, facts and circumstances of this case and after perusing the charge sheet so also the order dated 23.03.2026 wherein the petitioner was enlarged on bail in connection with FIR No.88/2024 in NDPS matter, more so the statement of seizure officer specifically stating that the petitioner was not identified by him at the time of seizure proceedings and that in the present FIR the allegation levelled against the petitioner is triable by Magistrate, in the considered opinion of this Court, no fruitful purpose would be

served by keeping the petitioner behind the bars for an indefinite period as the trial will take sufficiently long time. Thus, 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.

6. Accordingly, the bail application filed under Section 483 of BNSS is allowed. It is ordered that petitioner- **Udai Lal Alias Uda S/o Ratan Lal**, shall be released on bail in connection with the aforesaid FIR; provided he executes personal bond in the sum of Rs.50,000/- with two sound and solvent sureties of Rs.25,000/- each to the satisfaction of learned trial Court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

7. 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.

(SUNIL BENIWAL),J