

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR

S.B. Criminal Writ Petition No. 1755/2026

Shrawan Kumar S/o Shri Kallaram, Aged About 36 Years, (At Present Lodged In Central Jail Jaisalmer) Through His Wife Manju Wife Of Shrawan Kumar Resident Of 101 Vishnoiyo Ki Dhani Denta District Jalore

-----Petitioner

Versus

1. State Of Rajasthan, Through Director General Of Police Rajasthan Jaipur
2. Director General Of Jail, Jaipur Rajasthan
3. Superintendent Of District Jail, Jaisalmer

-----Respondents

For Petitioner(s)	:	Mr. Ashok Upadhyay Mr. Ramesh Kumar
For Respondent(s)	:	Mr. N.S. Chandawat, DyGA

HON'BLE MR. JUSTICE FARJAND ALI

Order

24/04/2026

1. The present writ petition has been preferred under Article 226 of the Constitution of India seeking grant of interim bail to the petitioner, who is presently in judicial custody in connection with multiple FIRs registered at different places.
2. It is not in dispute that the petitioner is an under-trial prisoner and is in custody in connection with FIR No.226/2024 registered at Police Station Jarod, District Vadodara (Gujarat); FIR No.315/2024 registered at Police Station Industrial Area Javra, District Ratlam (Madhya Pradesh); and FIR No.48/2023 registered at Police Station RGT Nagar, Barmer, for the offences under the

provisions of the NDPS Act and allied offences. Copies of the aforesaid FIRs have been placed on record as Annex.1 to Annex.3.

3. The petitioner seeks interim release on the ground that his wife is suffering from a serious spinal ailment requiring urgent medical intervention. It has been specifically pleaded that she has been diagnosed with disc prolapse at L4-L5 and L5-S1 levels with nerve compression and has been advised surgical intervention, namely discectomy with fixation. It has further been brought on record that she has been advised admission on 27.04.2026 and the proposed date of surgery is 28.04.2026. The relevant medical prescriptions, MRI report and related documents have been placed on record as Annex.5.

4. It is further pleaded that the wife of the petitioner is unable to perform even routine daily activities and requires immediate assistance and care. It has also been brought on record that there is no other competent family member available to take care of her, which fact is supported by family documents placed on record as Annex.6.

5. Learned counsel for the petitioner submits that in view of the multiplicity of FIRs registered at different places, it is practically not feasible for the petitioner to seek interim relief separately in each case and, therefore, invocation of the extraordinary jurisdiction of this Court is justified. It is contended that the relief sought is purely temporary, humanitarian in nature and does not touch upon the merits of the allegations levelled in the pending cases.

6. Per contra, learned Public Prosecutor opposes the prayer; however, the medical condition of the petitioner's wife, including the scheduled admission and surgery, and the documents placed on record in support thereof are not seriously disputed. It is submitted that in case any indulgence is granted, the same may be subject to stringent conditions.

7. Heard learned counsel for the parties and perused the material available on record.

8. The scope of the present petition is confined to grant of interim bail for a limited duration on humanitarian grounds. The petitioner is neither seeking regular bail nor adjudication on the merits of the allegations levelled in the FIRs. The multiplicity of cases, coupled with the limited and purpose-specific nature of the relief sought, renders the present petition maintainable in exercise of extraordinary jurisdiction of this Court.

9. The multiplicity of FIRs registered against the petitioner at different places, coupled with the limited and purpose-specific nature of the relief sought, presents a situation where insistence on the petitioner approaching different courts for identical interim relief would be impracticable and would defeat the very purpose of seeking urgent humanitarian intervention. In such peculiar circumstances, this Court deems it appropriate, in exercise of its extraordinary jurisdiction under Article 226 of the Constitution of India, to pass a consolidated order so as to ensure effective and timely implementation of the interim relief sought.

10. The medical record placed on record prima facie indicates that the petitioner's wife is suffering from a serious spinal condition involving disc prolapse with nerve compression and has been advised surgical intervention. The fact that a specific date for admission and surgery has been fixed, i.e., 27.04.2026 and 28.04.2026 respectively, reflects the immediacy and urgency of the medical condition requiring timely intervention and assistance.

11. This Court is also mindful of the fact that the petitioner is an under-trial facing prosecution under the NDPS Act; however, the relief sought is purely temporary and humanitarian. The balance between the rigours of the statute and the fundamental right to life under Article 21 of the Constitution of India can be maintained by granting a limited and conditional interim bail.

12. Having regard to the totality of facts and circumstances, particularly the imminent surgical procedure of the petitioner's wife and the absence of any other caregiver, this Court is of the considered opinion that the petitioner deserves to be enlarged on interim bail for a limited period.

13. Accordingly, the writ petition is allowed to the extent indicated hereinbelow. It is ordered that the petitioner named in the cause title shall be released on interim bail for a period of 30 (thirty) days from the date of his actual release, in connection with the aforesaid FIRs, subject to the following conditions:

(a) The petitioner shall furnish a personal bond in the sum of ₹5,00,000/- with two sureties of ₹2,50,000/- each to the satisfaction of the learned CJM/ACJM having jurisdiction over

Central Jail, Jaisalmer, and the Superintendent of the said Jail shall release the petitioner upon compliance of the above conditions.

(b) The petitioner shall be released solely for the purpose of attending to the admission, surgery and post-operative care of his wife.

(c) The petitioner shall not misuse the liberty granted to him and shall not try to influence any witness or tamper with the evidence.

(d) The petitioner shall not leave the State of Rajasthan without prior permission of the concerned court.

(e) The petitioner shall surrender before the concerned jail authority immediately upon expiry of the interim bail period without fail.

(f) In case of breach of any of the above conditions, the State shall be at liberty to seek cancellation of interim bail.

14. It is made clear that the grant of interim bail shall not be construed as an expression on the merits of the case(s) pending against the petitioner.

(FARJAND ALI),J