

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

S.B. Criminal Miscellaneous **2nd** Bail Application No. 1521/2026

Prakat Singh S/o Harbansh Singh, Aged About 31 Years, R/o Ward No 01 Chak 1 Llp 10 Sgr Sanger Ps Suratgarh Dist Sri Ganganagar. (At Present Lodged In Dist. Jail Bhilwara)

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

Connected With

S.B. Criminal Miscellaneous Bail Application No. 5673/2025

Sukhbhal Singh S/o Sh. Balvindra Singh, Aged About 43 Years, R/o Ward No. 911 Cjm Sardargarh, Ps Suratgarh Sadar, Dist. Sriganganagar (Rajasthan) (Presently Lodged At Central Jail Ajmer)

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s)	:	Mr. Ram Niwas Mr. Manohar Singh
For Respondent(s)	:	Mr. Narendra Gehlot, PP

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

27/03/2026

These applications for bail under Section 483 BNSS have been filed by the petitioners who have been arrested in connection with FIR No.305/2024 registered at Police Station Mandal, District Bhilwara, for offences punishable under Sections 8/15 of the NDPS Act.

Learned counsel submitted that as per the prosecution, SHO, P.S. Mandal along with other police personnels during *nakabandi*, on 08.08.2024, apprehended one white Creta Car having registration No.HR-18C-4375 which was being driven by the petitioner Sukhbhal Singh and the petitioner Prakat Singh was sitting beside him. On search being made, the team recovered contraband (Poppy husk/ straw) weighing 81.400 Kgs. The petitioners were arrested on the spot.

Learned counsel for the petitioners submitted that the petitioners have been falsely implicated in this case. Learned counsel submitted that the petitioners are in judicial custody since 08.08.2024. He further submitted that out of total 20 cited prosecution witnesses, only 1 prosecution witnesses have been examined before competent Criminal Court. He further submitted that the delay in trial is not at all attributable to the petitioners. He submitted that the petitioners are in judicial custody since last more than 1 year 7 months and looking to the pace at which trial is being conducted against the present petitioners, the same is not likely to be concluded in near future.

In support of their contention, learned counsel for the petitioners 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, they implored the Court to enlarge the petitioners on bail.

Per contra, learned Public Prosecutor has vehemently opposed the bail applications and submitted that petitioners are

facing trial for the offence under the NDPS Act and, therefore, the present bail applications deserve to be rejected straightway. Learned Public Prosecutor, however, was not in position to refute the fact that in last more than 1 year 7 months, out of total 20 cited prosecution witnesses, only 1 witnesses have been examined till date.

Heard learned counsel for the petitioners 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 petitioners have suffered incarceration for last more than 1 year 7 months and out of total 20 cited prosecution witnesses, only 7 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 applications filed by the petitioners deserve to be accepted.

Accordingly, these bail applications under Section 483 BNSS are allowed and it is ordered that the accused-petitioners- **(1) Prakat Singh S/o Harbansh Singh and (2) Sukhbhal Singh S/o Sh. Balvindra Singh** shall be enlarged on bail in connection with FIR No.305/2024 registered at Police Station Mandal, District Bhilwara, provided **each of them** 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 their appearance before the court concerned on all the dates of hearing as and when called upon to so.

In case, the petitioners remain absent on any date of hearing or make an attempt to delay the trial by seeking

unnecessary adjournments, it shall be taken as a misuse of concession of bail granted to them by this Court. The prosecution, in such a situation, shall be at liberty to move an application seeking cancellation of bail granted to the petitioners 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.

A copy of this order be placed in each file.

(KULDEEP MATHUR),J