

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

S.B. Criminal Miscellaneous **3rd** Bail Application No. 6525/2025

Satyanarayan @ Sattu S/o Udailal, Aged About 33 Years, R/o Near Charbhuj Temple, Village Raisinghpura, Post Khachrol, Tehsil And P.s. Mandalgarh, Dist. Bhilwara,raj. (At Present Incarcerated In Dist. Jail, Bhilwara)

----Petitioner

Versus

Union of India, Through Narcotics Control Bureau

----Respondent

Connected With

S.B. Criminal Miscellaneous **2nd** Bail Application No. 12179/2025

Govind S/o Ramchandra, Aged About 23 Years, Near Laxminath Temple, Village- Raisinghpura, Post-Khachrol, Tehsil/ Police Station Mandalgarh, District Bhilwara. (Raj.) (At Present Lodged At Dist. Jail Bhilwara)

----Petitioner

Versus

Union of India, Through Cbn

----Respondent

For Petitioner(s)	:	Mr. Vinod Kumar Sharma Mr. Dilip Kumar Sharma Mr. Jaipal Singh
For Respondent(s)	:	Mr. M.R. Pareek, Spl. PP for NCB

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

09/02/2026

These applications for bail under Section 483 BNSS have been filed by the petitioners who have been arrested in connection with F.I.R. No.VIII(10)12/NCB/JZU/2023 registered at Police Station Jodhpur, for the offences punishable under Sections 8/29 of NDPS Act.

Heard learned counsel for the parties. Perused the material available on record.

Learned counsel for the petitioners submitted that, as per the prosecution case, on 08.12.2023 officials of the NCB received secret information that on 10.12.2023, several persons namely Satyanarayan @ Sattu, Govind Sukhwal and Rakesh Kumar, along with Rakesh Kumar Verma and Murli Sharma, would be transporting contraband (poppy husk/straw) weighing approximately 280–300 kilograms in two cars. It was alleged that three persons, namely Satyanarayan, Rakesh Kumar and Govind Sukhwal, would escort a Hyundai Creta car loaded with contraband, which was to be driven by co-accused Murli Sharma, while travelling in a Maruti Swift Dzire car.

Acting upon the aforesaid secret information, a team of NCB officials reached near village Chainpura and began keeping surveillance on vehicles coming from the Kachola side. At about 7:30 p.m., the NCB team signalled a Swift car bearing registration No. RJ-06-CF-4716 to stop. The present petitioners along with co-accused Rakesh Kumar Verma were found sitting in the said vehicle. Upon interrogation, the petitioners and co-accused Rakesh Kumar Verma allegedly disclosed that a Hyundai Creta car loaded with contraband was following them and was being driven by co-accused Murli Sharma. In the meantime, co-accused Murli Sharma, who was driving the Hyundai Creta car loaded with contraband, upon noticing the presence of NCB officials, took a U-turn and fled in the reverse direction. The Hyundai Creta car was chased by the NCB officials, whereupon the driver, Murli Sharma, abandoned the vehicle and fled from the spot.

Upon search of the Hyundai Creta car, contraband (poppy husk/straw) weighing 297.090 kilograms was recovered by the NCB officials from 15 sacks. It was submitted that the petitioners are in judicial custody since 10.12.2023 and have been implicated solely on the basis of their statements recorded at the time of their arrest by the NCB.

It was further contended that, as per the prosecution, the recovered contraband was procured by the petitioners and co-accused persons from one Rameshwar Dhakad and was to be supplied to one Parmeshwar Gurjar. However, neither co-accused Murli Sharma, who was allegedly driving the Hyundai Creta car loaded with contraband, has been arrested pursuant to stay on arrest in his favour in S.B. Criminal Misc. Petition No. 2402/2025—nor the co-accused persons namely Rameshwar Dhakad and Parmeshwar Gurjar been arrested by the investigating agency till date.

Learned counsel submitted that although the prosecution relies upon call detail records showing conversations between the petitioners and co-accused persons, such exchange of calls is not unnatural as the accused persons were acquainted with each other. It was further argued that in the absence of any recordings of such conversations, the call detail records alone cannot be treated as corroborative material or substantive evidence establishing involvement of the petitioners in transportation of contraband.

Lastly, learned counsel submitted that the petitioners are in judicial custody since 10.12.2023; that no contraband was recovered from their conscious possession; and that the trial is not likely to conclude in the near future. Therefore, it was prayed that the petitioners be enlarged on bail.

Per contra, learned Special Public Prosecutor has vehemently opposed the bail applications. It was submitted that specific information regarding transportation of contraband by the petitioners was received and, upon their apprehension and interrogation, the information was found to be correct. It was further submitted that call detail records reflect conversations between the petitioners and co-accused persons. Accordingly, it was prayed that the bail applications be rejected.

Having considered the rival submissions and the facts and circumstances of the case, this Court *prima facie* finds that the contraband was not recovered from the conscious possession of the petitioners. The co-accused who was allegedly transporting the recovered contraband in the Hyundai Creta car has been granted stay on arrest in S.B. Criminal Misc. Petition No. 2402/2025 so also the other alleged co-accused person, namely Rameshwar Dhakad and Parmeshwar Gurjar have not been arrested till date.

This Court further finds that although call detail records indicate exchange of calls between the petitioners and co-accused persons, there are no recordings of the conversations. Thus, the *sans* transcript call detail records, in the absence of substantive evidence and corroborative material, cannot be treated as sufficient to establish a live link between the petitioners and the alleged offence.

It is pertinent to note that the petitioners are in judicial custody since more than two years and the trial against them is not likely to conclude in the near future. Accordingly, this Court is *prima facie* satisfied that the twin conditions enumerated under Section 37 of the NDPS Act stand duly satisfied in the present case. Thus, without

expressing any opinion on the merits or demerits of the case, this Court is of the opinion that the bail applications filed by the petitioners deserve to be allowed.

Consequently, these bail applications under Section 483 BNSS are allowed. It is ordered that the accused-petitioners **(1) Satyanarayan @ Sattu S/o Udailal and (2) Govind S/o Ramchandra** arrested in connection with F.I.R. No.VIII(10)12/NCB/JZU/2023 registered at Police Station Jodhpur, shall be released on bail, if not wanted in any other case, provided each of them 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 their appearance before that court on each & every date of hearing and whenever called upon to do so till completion of the trial.

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