

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

S.B. Criminal Miscellaneous **2nd** Bail Application No. 7187/2025

CNR: RJHC010548432025

URN: CRLMB / 14990U / 2025

Prakash S/o Harchand, Aged About 30 Years, Barjasar Tehsil
Phalodi District Jodhpur (Presently Lodged In Judicial Custody
Sub Jail Suratgarh)

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s) : Mr. B.R. Godara

For Respondent(s) : Mr. Sri Ram Choudhary, PP

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

13/07/2026

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.169/2023 registered at Police Station Rajiyasar, District Sri Ganganagar, for offences under Sections 8/15 and 25 of the NDPS Act.

As per the prosecution, during *nakabandi*, on 13.07.2023, a team of Police Station Rajiyasar, apprehended a Truck having registration No.RJ19-GE-6400 being driven by the present petitioner. On search being made, contraband (poppy husk/straw) weighing 600 Kgs. was recovered in 30 plastic bags. The petitioner was arrested on the spot.

On a perusal of the case file, this Court *prima facie* finds that the petitioner is in judicial custody since 13.07.2023. Till

date, out of total 21 cited prosecution witnesses, only 3 cited prosecution witnesses have been examined before competent Criminal Court and the delay in trial is not at all attributable to the petitioner. This Court *prima facie* finds that the petitioner is in judicial custody since last 3 years 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 3 years, out of total 21 cited prosecution witnesses, only 3 cited prosecution witnesses has 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 3 years and out of total 21 cited prosecution witnesses, only 3 cited prosecution witnesses has 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- **Prakash S/o Harchand** shall be enlarged on bail in connection with FIR No.169/2023 registered at Police Station Rajiyasar, District Sri Ganganagar, 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