

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 7746/2026

Narayan Lal S/o Hajari Lal Jaat, Aged About 55 Years, R/o Baldarakha, P.s. Bassi, District Chittorgarh, Raj. At Present Lodged At Dist. Jail Chittorgarh. (At Present Lodged At Dist. Jail Chittorgarh)

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s)	:	Mr. R.K. Charan
For Respondent(s)	:	Mr. Hanuman Prajapati, PP

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

03/07/2026

This application for bail under Section 483 BNSS (439 Cr.P.C.) has been filed by the petitioner who has been arrested in connection with F.I.R. No.55/2026 registered at Police Station Bassi, District Chittorgarh, for offences under Sections 8/20 of the NDPS Act.

Learned counsel for the petitioner submits that the alleged recovery effected from the petitioner consists of 480 plants cannabis plants and a sack containing dried cannabis seeds and leaves weighing approximately 860 gm which is not covered under the ambit of the NDPS substances. It is contended that, insofar as the recovery of cannabis plants is concerned, the case is covered under Section 20(a) of the NDPS Act, under which the maximum punishment prescribed is imprisonment up to ten years along with a fine of Rs. 1,00,000/- and charge-sheet is required to be filed

within a period of 60 days but however, Investigating Agency has not filed the charge-sheet till date. The bar contained in Section 37 of the NDPS Act is not attracted in the present case. Therefore, implicating the petitioner is unjustified. Counsel has relied upon the judgment of the Coordinate Bench of this Court in ***S.B. Criminal Misc. Bail Application No. 7415/2026***, decided on 19.06.2026, wherein, after considering similar cases involving recovery of cannabis plants, the accused was enlarged on bail in view of the relevant provisions of the NDPS Act.

It is further argued that no separate classification of small quantity or commercial quantity has been provided in the Schedule to the NDPS Act with respect to cannabis plants. The petitioner has clean antecedents insofar as no case under the NDPS Act has ever been registered against him, and only one criminal case involving offences under the IPC is stated to be pending. The investigation qua the petitioner stands completed, and he has remained in judicial custody since 15.05.2026. As the trial is likely to take considerable time to conclude, the petitioner deserves to be enlarged on bail.

Per contra, learned Public Prosecutor has opposed the bail application.

This Court has considered the rival submissions, facts and circumstances of the case as well as perused the material available on record. the alleged recovery pertains to cannabis plants and that the offence is covered under Section 20(a) of the NDPS Act, which prescribes a maximum punishment of ten years' imprisonment and a fine of Rs. 1,00,000/-. The provision under Section 37 of the NDPS Act is not attracted as the case does not

involve commercial quantity or offence punishable with imprisonment of minimum ten years.

The Coordinate Bench of this Court in **S.B. Criminal Misc. Bail Application No. 7415/2026** decided on 19.06.2026, granted the bail in a similar case involving recovery of cannabis plants. It is observed that no separate classification of small or commercial quantity has been prescribed for cannabis plants under the NDPS Act. The petitioner has no antecedents under the NDPS Act, the investigation stands completed, and he has remained in custody since date of arrest. Considering, the investigation/trial will take sufficient time to conclude; without expressing any opinion on merits/demerits of the case, this Court is inclined to enlarge the petitioner on bail.

Consequently, the bail application under Section 483 BNSS (439 Cr.P.C.) is allowed. It is ordered that the accused-petitioner **Narayan Lal S/o Hajari Lal Jaat** arrested in connection with aforesaid FIR shall be released on bail, if not wanted in any other case, provided he 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 his appearance before that court on each & every date of hearing and whenever called upon to do so till completion of the trial.

(BALJINDER SINGH SANDHU),J