

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

S.B. Criminal Miscellaneous (Petition) No. 4927/2026
CNR: RJHC010593162026 | URN: CRLMP / 8871U / 2026

Prema Ram Vishnoi S/o Deva Ram Vishnoi, Aged About 47 Years,
R/o School Ke Samne Vali Dhaniya, Rasida, Phitkasni, Kakelao,
Jodhpur, Rajasthan.

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s)	:	Mr. Sanjay Bishnoi
For Respondent(s)	:	Mr. Pawan Kumar Bhati, PP

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

05/08/2026

- Learned counsel for the petitioner submitted that, in the present case, no contraband was recovered from the conscious possession of the petitioner. He submitted that the petitioner has been implicated solely on the basis of the disclosure statements of the co-accused persons. He further submitted that even at the time of recovery of the contraband from the co-accused persons, the name of the petitioner did not surface. It was, therefore, contended that since the petitioner has been falsely implicated in the present case, the impugned FIR deserves to be quashed qua him.
- Per contra*, learned Public Prosecutor vehemently opposed the prayer for quashing of the impugned FIR and submitted that, in the present case, contraband of commercial quantity has been recovered. He submitted that merely because the petitioner was

not present at the place of recovery or his name was not disclosed by the co-accused persons at the spot, it does not follow that, in a case involving recovery of contraband of commercial quantity, the investigating agency is precluded from investigating the role of the petitioner on the basis of the disclosure statements of the co-accused persons.

3. He further submitted that Hon'ble Supreme Court, in ***State of Haryana vs. Bhajan Lal and M/s Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra & Ors.***, has categorically held that the High Court should ordinarily not exercise its inherent powers under Section 482 Cr.P.C. (now Section 528 BNSS) unless it is apparent that the continuance of the investigation would amount to an abuse of the process of law. He, therefore, submitted that since a huge quantity of contraband has been recovered and the name of the petitioner has surfaced during the course of investigation, the impugned FIR ought not to be quashed and the investigation should not be interfered with.

4. Heard.

5. Having heard the learned counsel for the parties and upon perusal of the material available on record, this Court *prima facie* finds substance in the submissions advanced by the learned Public Prosecutor. It is not in dispute that a huge quantity of contraband has been recovered in the present case.

6. It is well settled that, in matters arising under the NDPS Act, the courts should exercise great restraint while interfering with an ongoing investigation. It is also not disputed before this Court that the name of the petitioner surfaced during the course of investigation.

7. In the considered opinion of this Court, merely because no contraband was recovered from the possession of the present petitioner does not *ipso facto* mean that, in a case involving recovery of contraband of commercial quantity, the investigating agency is precluded from investigating his role on the basis of the disclosure statements of the co-accused persons. Therefore, this Court is of the view that the present case does not warrant the exercise of inherent jurisdiction for quashing the impugned FIR.

8. Accordingly, the present criminal misc. petition as well as the stay application stand dismissed.

(KULDEEP MATHUR),J