

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

S.B. Criminal Miscellaneous Bail Application No. 8403/2026

Mahendra Singh S/o Late Bhairu Singh, Aged About 45 Years,
Resident Of Bhikhavaniya, Thana Bhinder, District Udaipur (Raj).
(Presently Lodged In Central Jail Udaipur)

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s)	:	Mr. JVS Deora
For Respondent(s)	:	Mr. Narendra Singh Chandawat, PP

**HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU
(VACATION JUDGE)**

Order

25/06/2026

This application for bail under Section 483 BNSS has been filed by the petitioner, who has been arrested in connection with F.I.R. No.13/2026 registered at Police Station, Bhinder, District Udaipur for the offence under Sections 8/18, 8/20 of NDPS Act.

Learned counsel for the petitioner submits that the alleged recovery effected from the petitioner comprises of Cannabis Plants (369.500 Kg) and Opium plants (597.880 Kg).

It is contended that, insofar as the recovery of plants are concerned, the case is covered under Section 18(c) and 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/-. Therefore, the bar contained in Section 37 of the NDPS Act is not attracted in the present case.

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 appended to NDPS Act with respect to cannabis plants. It is further stated that antecedents of the petitioner are clear and there are no case pending pertaining to NDPS Act. The petitioner is behind bars since 12.6.2026. The trial of case will take a sufficiently long time, therefore, benefit of bail may be granted to the petitioner.

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 provisions under Section 37 of the NDPS Act are 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 or opium 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 12.6.2026. 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 is allowed. It is ordered that the accused-petitioner **Mahendra Singh S/o Late Bhairu Singh** arrested in connection with F.I.R. No.13/2026 registered at Police Station, Bhinder, District Udaipur, shall be released on bail, if not wanted in any other case, provided he furnishes a personal bond of Rs.50,000/- and two sureties of Rs.25,000/- 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),VJ