

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

S.B. Criminal Miscellaneous (Petition) No. 5335/2026

CNR: RJHC010632952026

URN: CRLMP / 9557U / 2026

Rehana Bano W/o Mohammed Arif, Aged About 36 Years, R/o
Near To Sufi Sahab Ki Dargah, Lodipura, District Nagaur Raj.

----Petitioner

Versus

1. State Of Rajasthan, Through P.p.
2. Station House Officer, , P.s. Kotwali, District Nagaur.

----Respondents

For Petitioner(s) : Mr. Vijay Bishnoi

For Respondent(s) : Mr. Sameer Pareek, PP

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

22/07/2026

The present criminal misc. petition has been filed by the petitioner under Section 528 of the BNSS seeking quashing of FIR No.39/2025 registered at Police Station Kotwali Nagaur, District Nagaur.

Learned counsel for the petitioner submits that, in the present case, 132 grams of smack was recovered from the personal possession of Mohammed Abid, who was sitting in the godown. The said godown had been rented out by the petitioner, who is the landlord, and Mohammed Abid is his real brother-in-law. It is submitted that nothing was recovered from the godown. However, for no apparent reason, the petitioner is being harassed and has been implicated under Section 29 of the NDPS Act, whereas he is protected under Section 35 thereof. It is further

submitted that the charge-sheet has already been filed against the main accused and, even therein, the petitioner has been referred to only as the owner of the godown.

Learned Public Prosecutor has submitted the factual report dated 19.07.2026, which is taken on record. As per the report, the factual position is not disputed. In such circumstances, prima facie, there is no other evidence against the petitioner, and merely because he is the owner of the godown, he cannot be implicated.

This Court is inclined to interfere in the present matter.

Learned Public Prosecutor is directed to submit a report after carrying out the investigation qua the petitioner, who shall appear before the Investigating Officer for the purpose of investigation.

In the meanwhile, the petitioner shall not be arrested in connection with FIR No.39/2025 registered at Police Station Kotwali Nagaur, District Nagaur.

(BALJINDER SINGH SANDHU),J