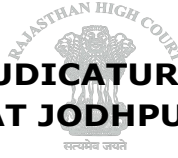




**HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**



S.B. Criminal Miscellaneous Bail Application No. 8955/2026

CNR: RJHC010633232026

URN: CRLMB / 19434U / 2026

Dev Kishan S/o Shri Rameshwar Lal, Aged About 29 Years,
Resident Of Jato Ka Mohalla Lala Ka Khera Police Station Sadas
District Chittorgarh At Present Lodged In Central Jail Bikaner.

-----Petitioner

Versus

State Of Rajasthan, Through PP

-----Respondent

For Petitioner(s)	:	Mr. Kailash Khilery
For Respondent(s)	:	Mr. Hathi Singh Jodha, PP

HON'BLE MR. JUSTICE SANDEEP SHAH

Order

09/07/2026

1. The applicant has filed the present bail application under Section 483 of BNSS being aggrieved against the order dated 01.07.2026 passed by the learned Special Judge NDPS Act Cases, District Bikaner, in Criminal Misc. Case No.37/2026, whereby the bail application filed by the accused-applicant under Section 483 B.N.S.S. was rejected. The accused-applicant is behind the bars, pursuant to the F.I.R. No.133/2023 registered at Police Station Jainarayan Vyas Colony, District Bikaner against the accused-applicant for offences punishable under Sections 8/18 of NDPS Act 1985.

2. Learned counsel for the applicant submits that the recovered contraband is below the demarcated commercial quantity. He submits that the recovery was effected from co-accused Magha



Ram Chahar and Hariom Tiwari. He also submits that Hariom Tiwari has already been enlarged on bail by the learned trial Court vide order dated 29.03.2023, whereas co-accused Magha Ram Chahar has been enlarged on bail by Coordinate Bench of this Court, vide order dated 12.04.2023 passed in S.B. Criminal Miscellaneous Bail Application No.3469/2023 (Magha Ram Chahar v. State of Rajasthan). He further submits that the accused-applicant has been implicated only by invoking Section 29 of the NDPS Act, 1985 on the basis of the statement of co-accused Magha Ram Chahar. He further submits that the accused-applicant is in judicial custody since 19.06.2026. He, therefore, implores this Court to allow the present bail application.

3. *Per contra*, learned Public Prosecutor opposes the bail application. However, he is not in a position to dispute the fact that the recovery was effected from co-accused Magha Ram Chahar, who has already been enlarged on bail by Coordinate Bench of this Court, vide order dated 12.04.2023, nor does he dispute that the recovered contraband is below the demarcated commercial quantity.

4. Heard learned counsel for the applicant as well as the learned Public Prosecutor and perused the material available on record.

5. Having considered the arguments advanced by learned counsel for the parties and having regard to the facts and circumstances of the case, more particularly the facts that the recovered contraband is below the demarcated commercial quantity, the recovery was effected from co-accused Magha Ram Chahar, who has already been enlarged on bail by Coordinate



Bench of this Court, vide order dated 12.04.2023, the accused-applicant has been implicated only under Section 29 of the NDPS Act, 1985 on the basis of the statement of the said co-accused, the accused-applicant has no criminal antecedents, the accused-applicant is in judicial custody since 19.06.2026, this Court *prima facie* finds it a fit case to enlarge the accused-applicant on bail.

6. Thus, without expressing any opinion on merits/demerits of the case, this Court is inclined to enlarge the accused-applicant on bail.

7. Consequently, the bail application under Section 483 B.N.S.S. is **allowed**. It is ordered that the accused-applicant; ***Dev Kishan S/o Shri Rameshwar Lal***, arrested in connection with F.I.R. No.133/2023, registered at Police Station Jainarayan Vyas Colony, District Bikaner 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.

8. It is further, made clear that findings recorded/observations made herein-above are for limited purposes of adjudication of bail application and the same shall not prejudice the trial of the case in any manner.

(SANDEEP SHAH),J