

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

S.B. Criminal Miscellaneous Bail Application No. 8991/2025

Ramnarayan @ Manka S/o Kanaiyalal, Aged About 23 Years, R/o
Doli Kallan, Police Station Kalyanpur, District Balotra, Rajasthan
(Lodged In District Jail, Balotra)

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

Connected With

S.B. Criminal Miscellaneous Bail Application No. 2566/2026

Shyam Lal S/o Karna Ram, Aged About 30 Years, Resident Of
Doli Khurd Police Station Kalyanpur District Barmer. At Present
Lodged In Sub Jail Balotra

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s)	:	Mr. B. Ray Bishnoi Mr. Kailash Khilery
For Respondent(s)	:	Mr. Narendra Gehlot, PP

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

25/03/2026

These applications for bail under Section 439 Cr.P.C. have been filed by the petitioners who have been arrested in connection with FIR No.48/2023 registered at Police Station Pachpadra, District Balotra, for offences under Section 8/15 of the NDPS Act; and Sections 420, 467, 471 & 411 of IPC.

Learned counsel submitted that as per the prosecution, during *nakabandi*, on 12.02.2023, a team of Police Station

Pachpadra flagged down a Creta car having registration No.RJ-28-CB-4405. On being asked, the driver disclosed his name to be Ramnarayan and the person sitting besides him to be as Shyamlal. After search being made, police recovered contraband (poppy husk/straw) weighing 200 Kgs. from ten sacks. The petitioners were arrested on the spot.

Learned counsel for the petitioners submitted that the petitioners have been falsely implicated in this case. Learned counsel submitted that the petitioners are in judicial custody since 12.02.2023. He further submitted that out of total 21 cited prosecution witnesses, only 2 prosecution witnesses have been examined before competent Criminal Court. He further submitted that the delay in trial is not at all attributable to the petitioners. He submitted that the petitioners are in judicial custody since last more than three years and one month and looking to the pace at which trial is being conducted against the present petitioners, the same is not likely to be concluded in near future.

In support of his contention, learned counsel for the petitioners placed reliance on the cases of ***Rabi Prakash Vs. State of Orisa (Leave to Appeal (Criminal) No.4169/2023*** and ***Mohd Muslim @ Hussain Vs. State (NCT of Delhi) in Special Leave Petition (Crl.) No(s).915 of 2023.***

On these grounds, he implored the Court to enlarge the petitioners on bail.

Per contra, learned Public Prosecutor has vehemently opposed the bail applications and submitted that petitioners are facing trial for the offence under the NDPS Act and, therefore, the present bail applications deserve to be rejected straightway.

Learned Public Prosecutor, however, was not in position to refute the fact that in last more than 3 years and 1 month, out of total 21 cited prosecution witnesses, only 2 witnesses have been examined till date.

Heard learned counsel for the petitioners and the learned Public Prosecutor. Perused the material available on record.

Having considered the rival submissions, facts and circumstances of the case and considering the fact that the petitioners have suffered incarceration for more than 3 years and 1 months and out of total 21 cited prosecution witnesses, only 2 witnesses have been examined till date, without expressing any opinion on merits/demerits of the case, this Court is of the opinion that these bail applications filed by the petitioners deserve to be accepted.

Accordingly, these bail applications under Section 439 Cr.P.C. are allowed and it is ordered that the accused-petitioners- **(1) Ramnarayan @ Manka S/o Kanaiyalal (2) Shyam Lal S/o Karna Ram** shall be enlarged on bail in connection with FIR No.48/2023 registered at Police Station Pachpadra, District Balotra, provided each of them furnishes a personal bond in the sum of Rs.1,00,000/- with two sureties of Rs.50,000/- each to the satisfaction of the learned trial Judge for their appearance before the court concerned on all the dates of hearing as and when called upon to so.

In case, the petitioners remain absent on any date of hearing or makes an attempt to delay the trial by seeking unnecessary adjournments, it shall be taken as a misuse of concession of bail granted to him by this Court. The

prosecution, in such a situation, shall be at liberty to move an application(s) seeking cancellation of bail granted to the petitioners today by this Court.

It is however, made clear that findings recorded/observations made above are for limited purposes of adjudication of bail applications. The trial court shall not get prejudiced by the same.

A copy of this order be placed in each file.

(KULDEEP MATHUR),J

254-himanshu/-