

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 8713/2025

Ranjit Singh S/o Nindra Singh, Aged About 32 Years, R/o Aadrash Nagar Vyas, Police Station Vyas, District Amritsar, Punjab. (At Present Lodged In Sub Jail Suratgarh.)

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s)	:	Mr. N.L. Joshi Ms. Kirti Parik Mr. Saddam Khan
For Respondent(s)	:	Mr. Surendra Bishnoi, PP

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

08/12/2025

The instant application for bail under Section 483 of BNSS (439 of Cr.P.C.) has been filed by petitioner who has been arrested in the present matter. The requisite details of the matter are tabulated herein below:

S. No.	Particulars of the case	
1.	FIR Number	185/2023
2.	Police Station	Jaitsar
3.	District	Sri Ganganagar
4.	Offences alleged in the FIR	Sections 8, 21 and 25 of NDPS Act
5.	Offences added, if any	Section 29 of NDPS Act

Learned counsel for the petitioner submitted that allegation against present petitioner is false and fabricated. It is further submitted that as per allegations, alleged recovery of narcotic contraband was affected from present petitioner and co-accused

Sukhvindra Singh. Co-accused Sukhvindra Singh has already been enlarged on bail by a Coordinate Bench of this Court vide order dated 17.10.2025 passed in S.B. Criminal Misc. Bail Application No.12218/2025 and the case of present petitioner is at par with that of the co-accused.

The relevant portion of observations recorded by the Coordinate Bench of this Court in the aforementioned bail order are reproduced hereinbelow :-

“5. Upon perusal of the record and the submissions advanced, the following aspects emerge for consideration. It is the prosecution’s case that a total of 933 grams of heroin was allegedly recovered from the joint possession of the present petitioner and one Ranjeet Singh. The investigation further discloses that both accused were allegedly induced by one principal accused, Harry, to facilitate the delivery of the contraband substance to him.

5.1 It is not in dispute that the petitioner is a young individual of 24 years of age, and the investigation has culminated in the filing of a charge-sheet, which categorically records that the petitioner has no antecedent criminal history.

5.2 Learned counsel for the petitioner has strenuously urged that the mandatory procedural safeguards enshrined under Sections 42 and 50 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (“the NDPS Act”) have been flagrantly disregarded by the investigating agency. It is contended that the record itself, including the FIR and contemporaneous material, reflects that no prior written intimation of the secret information was transmitted to the superior officer as mandated under Section 42, nor was any valid notice served upon the petitioner prior to the personal search, as envisaged under Section 50 of the Act.

5.3 This Court finds prima facie substance in the argument that issuing a notice post facto, i.e., after the search and seizure had already been conducted, cannot be accorded any legal sanctity. The omission to apprise superior officers before proceeding to the spot of occurrence upon receipt of secret information, as required under Section 42, amounts to a direct infraction of statutory obligation.

5.4 *It is a well-settled canon of criminal jurisprudence that the procedural mandates under Sections 42 and 50 are not merely directory but mandatory in character, and any non-compliance therewith strikes at the very root of the prosecution case, thereby vitiating the recovery itself.*

5.5 *However, it is clarified that the observations made herein are purely tentative in nature and confined to the adjudication of the present bail application. They shall not, in any manner, prejudice or influence the merits of the case during trial, which shall be independently adjudged upon appreciation of the entire evidence on record.*

5.6 *Be that as it may, without entering into any conclusive finding on the merits, it suffices to observe that the rigours of Section 37 of the NDPS Act do not appear to be attracted in the peculiar facts and circumstances of the present case. The petitioner has remained in judicial custody for the past two years, and there exists a reasonable apprehension that the trial may not reach culmination in the near future.*

5.7 *In the totality of the circumstances, and having regard to the principles governing pre-trial detention, this Court is of the considered view that the petitioner deserves to be enlarged on bail, subject to appropriate conditions being imposed to secure his presence during the course of trial.”*

Moreover, there are no previous criminal antecedents of the petitioner; challan has already been filed and the petitioner is in custody since 15.06.2023 and trial of case will take sufficiently long time, therefore, benefit of bail may be granted to accused-petitioner.

Per contra, learned Public Prosecutor has vehemently opposed bail application and submitted that recovered contraband is above commercial quantity, therefore, benefit of bail may not be extended to the petitioner. However, he does not refute the fact that similarly situated co-accused Sukhvindra Singh has already been enlarged on bail.

Having heard and considered the rival submissions, facts and circumstances of the case as well as perused material available on record; considering the fact that co-accused Sukhvindra Singh has already been enlarged on bail; there are no previous criminal antecedents of the petitioner; challan has been filed; the petitioner is in custody since 15.06.2023 and trial of case will take sufficiently long time to conclude; without expressing any opinion on merits/demerits of the case, this Court is inclined to enlarge petitioner on bail.

Consequently, bail application under Section 483 of BNSS (439 of Cr.P.C.) is allowed. It is ordered that accused-petitioner as named in the cause title, arrested in connection with above mentioned FIR, shall be released on bail, if not wanted in any other case, provided he/she/they 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/her/their appearance before that court on each & every date of hearing and whenever called upon to do so till completion of the trial.

(MUKESH RAJPUROHIT),J