

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

S.B. Criminal Miscellaneous Bail Application No. 9157/2026

CNR: RJHC010653882026

URN: CRLMB / 19860U / 2026

Nathulal S/o Panna, Aged About 65 Years, Resident Of Raya Naal, Teh- Delwara, Police Station Khamnaur, District Rajsamand (Rajasthan) (Presently Lodged In District Jail, Rajsamand)

-----Petitioner

Versus

Ncb Jodhpur., Through Special Pp

-----Respondent

For Petitioner(s)	:	Ms. Varsha Purohit
For Respondent(s)	:	Mr. M.R. Pareek, Spl. PP for CBN with Mr. Mayank Roy

HON'BLE MR. JUSTICE SANDEEP SHAH
Order

14/07/2026

1. The applicant has filed the present bail application under Section 483 of BNSS being aggrieved against the order dated 14.05.2026 passed by the learned Additional Sessions Judge, Nathdwara in Criminal Misc. Case No.83/2026, whereby the bail application filed by the accused-applicant under Section 483 of B.N.S.S. was rejected. The accused-applicant is behind the bars, pursuant to the F.I.R. No.VIII(IO)03/NCB/JZU/2026 registered at Police Station NCB, Jodhpur for the offence punishable under Sections 8/20 of NDPS Act.

2. Learned counsel for the applicant submits that an FIR was initially lodged on 10.04.2026, pursuant to which the applicant was taken into custody. In the said case, it was alleged that cannabis plants were found at the applicant's house. She further submits that on the very next day, the present FIR was lodged

while the applicant was already in custody, alleging that 5,680 cannabis plants were found growing in an agricultural field, which is jointly owned by 19 khatedars. She further submits that, apart from the aforesaid case and the present case, which was registered with a gap of only one day, the applicant has no criminal antecedents. She also contends that the recovered substance comprises cannabis plants, and there is no classification or demarcation of such plants as "small quantity" or "commercial quantity" under the Schedule to the NDPS Act. Learned counsel further submits that there is nothing on record to establish the applicant's exclusive possession over the land in question. She also submits that the applicant has remained in judicial custody for a considerable period and that the trial is likely to take a substantial amount of time to conclude. She, therefore, prays that the benefit of bail be granted to the accused-applicant.

3. *Per contra*, learned Special Public Prosecutor opposes the bail application. However, he is not in a position to dispute the fact that there is no classification or demarcation of cannabis plants as "small quantity" or "commercial quantity" under the Schedule to the NDPS Act. He is also unable to dispute the fact that the alleged criminal antecedent sought to be relied upon by the prosecution pertains to a case that was registered merely one day prior to the registration of the present case.

4. Heard learned counsel for the applicant as well as 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, particularly the fact that the applicant has been

implicated in two successive cases registered within two days, and that in the first case he has already been enlarged on bail by this Court vide order dated 01.06.2026 passed in S.B. Criminal Miscellaneous Bail Application No. 6875/2026 (Nathulal v. State of Rajasthan), and further considering the fact that the land from which the alleged recovery was effected is jointly owned and possessed by 19 khatedars, of whom the present applicant is merely one of the co-khatedars, as well as the fact that the applicant is in judicial custody and the conclusion of the trial is likely to take a considerable length of time, this Court, without expressing any opinion on the merits of the case, is inclined to enlarge the applicant on bail.

6. Consequently, the bail application under Section 483 B.N.S.S. is **allowed**. It is ordered that the accused-applicant **Nathulal S/o Panna**, arrested in connection with F.I.R. No.VIII(IO)03/NCB/JZU/2026 registered at Police Station NCB, Jodhpur be released on bail, if not wanted in any other case, provided he furnishes a personal bond of Rs.1,00,000/- and two sureties of Rs.50,000/- 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.

7. It is further, made clear that the 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