

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

S.B. Criminal Miscellaneous **2nd** Bail Application No. 11102/2025

Rahul S/o Bhagsingh Jhur, Aged About 30 Years, Resident Of
Machhalikallan, District Sans Nagar (Punjab). (Presently Lodged
In District Jail Chittorgarh)

-----Petitioner

Versus

State Of Rajasthan, Through PP

-----Respondent

For Petitioner(s)	:	Mr. JVS Deora
For Respondent(s)	:	Mr. Narendra Gehlot, PP

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

25/02/2026

1. This second application for bail under Section 483 of the BNSS (corresponding to Section 439 Cr.P.C.) has been filed by the petitioner, who has been arrested in connection with FIR No. 08/2024 registered at Police Station Sadar Nimbahera, District Chittorgarh, for offences under Sections 8/15, 25 and 29 of the NDPS Act.
2. Learned counsel for the petitioner submits that the co-accused, Meharban Singh (S.B. Cr. Misc. 2nd Bail Application No. 5978/2025), has already been enlarged on bail by this Court vide order dated 27.01.2026. It is contended that the case of the present petitioner is not distinguishable from that of the said co-accused, who has been granted bail.
3. Learned counsel submitted that the petitioner is in judicial custody and that the trial is likely to take considerable time to

conclude; therefore, the benefit of bail deserves to be extended to the accused-petitioner.

4. *Per contra*, learned Public Prosecutor has vehemently opposed the bail application. However, he is not in a position to refute the fact that the aforesaid co-accused has already been enlarged on bail.

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

6. The order dated 27.01.2026 passed by this Court while granting bail to the co-accused Meharban Singh is reproduced herein below for ready reference:

"This second application for bail under Section 483 BNSS has been filed by the petitioner who has been arrested in connection with FIR No.08/2024 registered at Police Station Sadar Nimbahera, District Chittorgarh, for offences under Sections 8/15, 8/25 and 8/29 of the NDPS Act.

Learned counsel submitted that as per the prosecution, during nakabandi, on 04.01.2024, a team of Police Station Sadar Nimbahera apprehended a Tata Yodha pickup having registration No.MH-12-TREV-847 which was being driven by the petitioner. On search being made, the team recovered contraband (poppy husk/straw) weighing 66.700 Kgs. The petitioner was arrested on the spot.

Learned counsel for the petitioner submitted that the petitioner has been falsely implicated in this case. Learned counsel submitted that the petitioner is in judicial custody since 04.01.2024. He further submitted that till date, out of total 21 cited prosecution witnesses, only 4 prosecution witnesses have been examined before competent Criminal Court. He further submitted that the delay in trial is not at all attributable to the petitioner. He submitted that the petitioner is in judicial custody since last more than 2 years and looking to the pace at which trial is being conducted against the present petitioner, the same is not likely to be concluded in near future.

*In support of his contention, learned counsel for the petitioner 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 petitioner on bail.

Per contra, learned Public Prosecutor has vehemently opposed the bail application and submitted that petitioner is facing trial for the offence under the NDPS Act and, therefore, the present bail application deserves to be rejected straightway. Learned Public Prosecutor, however, was not in position to refute the fact that in last more than 2 years, out of total 21 cited prosecution witnesses, only 4 prosecution witnesses have been examined till date.

Heard learned counsel for the petitioner 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 petitioner has suffered incarceration for last more than 2 years and out of total 21 cited prosecution witnesses, only 4 prosecution witnesses have been examined till date, thus without expressing any opinion on merits/demerits of the case, this Court is of the opinion that the bail application filed by the petitioner deserves to be accepted.

*Accordingly, the second bail application under Section 483 BNSS is allowed and it is ordered that the accused-petitioner- **Meharban Singh S/o Jaswant Singh @ Jai Singh Sisodia** shall be enlarged on bail in connection with FIR No.08/2024 registered at Police Station Sadar Nimbahera, District Chittorgarh, provided he 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 his appearance before the court concerned on all the dates of hearing as and when called upon to so.*

In case, the petitioner remains 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 seeking cancellation of bail granted to the petitioner today by this Court.

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

7. Having considered the rival submissions, as well as the facts and circumstances of the case, particularly the fact that the co-accused Meharban Singh has already been enlarged on bail and that the case of the present petitioner is stated to be similar, this Court, without expressing any opinion on the merits or demerits of

the case, is inclined to enlarge the petitioner on bail.

8. Consequently, the second bail application under Section 483 of BNSS (439 Cr.P.C.) is allowed. It is ordered that the accused-petitioner **Rahul S/o Bhagsingh Jhur** arrested in connection with F.I.R. No.08/2024 registered at Police Station Sadar Nimbahera, District Chittorgarh, shall 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.

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

(KULDEEP MATHUR),J