

RAJASTHAN HIGH COURT

सत्यमेव जयते

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

S.B. Criminal Miscellaneous Bail Application No. 9383/2026
CNR: RJHC010676952026 | URN: CRLMB / 20427U / 2026

Rakesh S/o Chaturbhuj, Aged About 36 Years, Resident Of
Aaspura, Ps Baghaana, District Neemuch (M.p.) (Presently
Lodged In Sub Jail Chhoti Sadri, District Pratapgarh)

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s)	:	Mr. Jagdish Bhadu
For Respondent(s)	:	Ms. Sonu Manawat, PP

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

05/08/2026

Heard learned counsel for the parties and perused the material available on record.

The petitioner has been arrested in connection with FIR No. 108/2020 of Police Station Chhoti Sadri, District Pratapgarh, for the offences punishable under Sections 8/15 and 29 of the NDPS Act. He has preferred this bail application under Section 483 of the BNSS.

Learned counsel for the petitioner submits that in the present case, the alleged contraband, namely 422 kg of poppy husk/straw, was recovered from an abandoned vehicle. The petitioner is neither the owner of the vehicle nor was anything recovered from the petitioner. He submits that the petitioner has been falsely implicated in the present case merely on the basis of

the interrogation note of the co-accused Ashok Kumar. It is stated that the allegations against Ashok Kumar were that his name was written in the diary found in the vehicle and that is how Ashok Kumar was connected. It is stated that Ashok Kumar has already been enlarged on bail by a Co-ordinate Bench of this Court in **S.B. Cr.M. Bail Application No. 15071/2025** vide order dated 16.03.2026. He states that apart from the disclosure statements made by Ashok Kumar, there is nothing on record to connect the petitioner with the offence. When Ashok Kumar has been enlarged on bail, there is no reason to keep the petitioner behind bars. There is an apparent case of involving the petitioner in a false case and, in such circumstances, the rigours of Section 37 of the NDPS Act would not apply. It is stated that there are no criminal antecedents of a similar nature against the petitioner and the petitioner has been in judicial custody since long. The trial is likely to take considerable time to conclude.

Per contra, learned Public Prosecutor has vehemently opposed the bail application.

This Court has considered the arguments advanced by learned counsel for the petitioner and finds that the alleged contraband, namely 422 kg of poppy husk/straw, was recovered from an abandoned vehicle. The petitioner is neither the owner of the vehicle nor was anything recovered from the petitioner. The petitioner has been falsely implicated in the present case merely on the basis of the interrogation note of the co-accused Ashok Kumar. This Court finds that co-accused Ashok Kumar has already

been enlarged on bail by a Co-ordinate Bench of this Court vide order dated 16.03.2026 and the case of the petitioner is on better footing. Apart from the disclosure statements made by Ashok Kumar, there is nothing on record to connect the petitioner with the offence. There are no criminal antecedents of a similar nature against the petitioner and the petitioner has been in judicial custody since long.

Hence, keeping in view the overall facts and circumstances of the case, the conclusion of the trial is likely to take time. The prosecution has not shown any apprehension of the petitioner fleeing away from justice in case he is enlarged on bail. Therefore, without expressing any opinion on the merits of the case, I deem it just and proper to grant bail to the petitioner under Section 483 of the BNSS.

Accordingly, this bail application filed under Section 483 of the BNSS is allowed. It is directed that the petitioner, **Rakesh S/o Chaturbhuj**, shall be released on bail in connection with the aforesaid FIR, if not wanted in any other case, provided he executes a personal bond in the sum of **Rs.1,00,000/-** with two sound and solvent sureties of **Rs.50,000/-** each to the satisfaction of the learned trial Court for his appearance before that Court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(BALJINDER SINGH SANDHU),J