

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

S.B. Criminal Miscellaneous Bail Application No. 11113/2025

Swaroop Singh S/o Ran Singh, Aged About 55 Years, R/o Satdiya
Samad Ka Par Police Station Bijawal Gadra Road District Barmer
(At Present Lodged In District Jail Jaisalmer)

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s)	:	Mr. Achala Ram
For Respondent(s)	:	Mr. Narendra Gehlot, PP

HON'BLE MR. JUSTICE KULDEEP MATHUR

ORDER

27/04/2026

This second application for bail under Section 483 BNSS has been filed by the petitioner who has been arrested in connection with F.I.R. No.17/2023 registered at Police Station Jhunjhyanal, District Jaisalmer, for the offences under Sections 8/21 and 8/29 of NDPS Act.

Learned counsel for the petitioner submitted that the petitioner has been falsely implicated in the present case. Learned counsel submitted that the contraband (Heroin) greater than commercial quantity was not recovered from the conscious and exclusive possession of the present petitioner. There is no direct or cogent evidence available on record indicating his involvement in commission of the alleged offence.

Lastly, learned counsel submitted that the petitioner has been implicated in the present case solely on the basis of disclosure statements of the co-accused person from whose

possession contraband has been recovered; the petitioner is in judicial custody since long; the investigation in the matter has already been completed; and the trial of the case will take sufficiently long time to be concluded, therefore, the benefit of bail may be granted to the accused-petitioner.

Per Contra, learned Public Prosecutor has vehemently opposed the bail application and submitted that contraband (Heroin) greater than commercial quantity has been recovered by the investigating agency and thus the rigors contained under Section 37 of the NDPS are duly attracted in the present case. He thus submitted that looking to the seriousness of the offences committed by the petitioner, he does not deserve to be enlarged on bail.

Heard learned counsel for the parties. Perused the record of the case.

Having considered the rival submissions, facts and circumstances of the case, and after perusing the case file, this Court *prima facie* finds that the petitioner is involved in cross-border drug trafficking and a huge quantity of contraband (Heroin) has been recovered at the instance of the co-accused person namely Bhutta Singh.

This Court also finds that the allegation against the present petitioner is that in July 2022 he had ordered illegal drug heroin from Billal Khan and Ghulam Khan of Pakistan. Thereafter, the petitioner and co-accused received 37 kilograms of Heroin from Billal Khan of Pakistan and hid the said contraband in the house of co-accused person, which was later on recovered by the

investigating agency in bits and pieces upon information supplied by the co-accused Bhutta Singh.

This Court further takes note of the fact that the recovery effected in the present case is of commercial quantity, and therefore, the rigours of Section 37 of the NDPS Act are clearly attracted. Upon a *prima facie* assessment of the material available on record, this Court is not satisfied that there are reasonable grounds for believing that the petitioner is not guilty of the alleged offence, nor is there any material to suggest that he is not likely to commit an offence while on bail. Thus, the twin conditions as envisaged under Section 37 of the NDPS Act are not satisfied in the present case.

In view of the aforesaid discussion and considering the gravity and nature of the allegations levelled against the petitioner and the fact that cases of similar nature are pending against him, this Court does not find it to be a fit case for grant of bail.

Consequently, the second application for bail under Section 483 BNSS filed on behalf of the petitioner is rejected and hereby stands dismissed.

It is, however, made clear that the observations made and findings recorded hereinabove are for the limited purpose of adjudication of the present bail application, and the trial court shall not be prejudiced by the same.

(KULDEEP MATHUR),J