

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

S.B. Criminal Miscellaneous **2nd** Bail Application No. 11710/2025

Ashok Panwar S/o Bhagawana Ram, Aged About 28 Years, R/o Hamirnagar, Finch, Police Station Luni, District Jodhpur, Rajasthan (Lodged In Central Jail, Jodhpur)

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

Connected With

S.B. Criminal Miscellaneous **2nd** Bail Application No. 11712/2025

Amrit Lal @ Rahul S/o Shri Raisingh, Aged About 30 Years, R/o Narani, Choti Sadari Police Station, District Pratapgarh (Lodged In Central Jail, Jodhpur)

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s)	:	Mr. Bhagirath Ray Bishnoi Mr. Vijay Raj Bishnoi
For Respondent(s)	:	Mr. Narendra Gehlot, PP

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

08/05/2026

These second applications for bail under Section 483 BNSS have been filed by the petitioners who have been arrested in connection with F.I.R. No.295/2023 registered at Police Station Bilara, District Jodhpur, for the offences punishable under Sections 8/15 of NDPS Act.

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

Learned counsel for the petitioners submitted that, in the present case, contraband (poppy husk/straw) weighing 299.04 kilograms, contained in 15 plastic bags, was recovered from an abandoned Creta car bearing registration No. RJ18-CC-3872. Learned counsel submitted that the petitioners are neither the registered owners of the said vehicle nor the holders of the mobile number linked with the FASTag affixed on the vehicle.

Learned counsel further submitted that, in the absence of any direct evidence against the petitioners, they have been falsely implicated in the present case merely on the basis of conjectures and surmises. It was contended that the statements of the Investigating Officer (PW-01) and the Seizure Officer (PW-02) have already been recorded before the competent criminal Court, which clearly indicate that no cogent material surfaced during the course of investigation to establish the complicity of the petitioners in the commission of the alleged offence.

Lastly, learned counsel submitted that the petitioners are in judicial custody and the conclusion of the trial is likely to take considerable time; therefore, the benefit of bail deserves to be granted to the accused-petitioners.

Per contra, learned Public Prosecutor vehemently opposed the bail applications and submitted that the contraband recovered from the abandoned vehicle falls within the ambit of commercial quantity and, therefore, the petitioners are not entitled to be enlarged on bail.

Having considered the rival submissions and the facts and circumstances of the case, this Court *prima facie* finds that the contraband, which is admittedly above commercial quantity, was not recovered from the conscious and exclusive possession of the

petitioners. It is also not disputed that neither are the petitioners the registered owners of the offending vehicle nor is the mobile SIM linked with the FASTag affixed on the vehicle registered in their names. The petitioners appear to have been implicated in the present case primarily on the basis of the statements of persons whose SIM cards were linked with the FASTag. Apart from the same, prima facie, no direct or circumstantial evidence is available on record indicating the involvement of the petitioners in the commission of the alleged offence.

In the opinion of this Court, substantial grounds exist in favour of the petitioners to question the prosecution case and, therefore, no fruitful purpose would be served by keeping them in continued detention till conclusion of the trial. This Court further finds that the rigours of Section 37 of the NDPS Act stand duly satisfied in the present case. Accordingly, without expressing any opinion on the merits or demerits of the case, this Court is of the opinion that the bail applications filed by the petitioners deserve to be accepted.

Consequently, these second bail applications under Section 483 BNSS are allowed. It is ordered that the accused-petitioners **(1) Ashok Panwar S/o Bhagawana Ram and (2) Amrit Lal @ Rahul S/o Shri Raisingh** arrested in connection with F.I.R. No.295/2023 registered at Police Station Bilara, District Jodhpur,, shall be released on bail, if not wanted in any other case, provided each of them 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 their appearance before that court on each & every date of hearing and whenever called upon to do so till completion of the trial.

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.

A copy of this order be placed in each file.

(KULDEEP MATHUR),J

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