

RAJASTHAN HIGH COURT

HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 12833/2025

Arjun Ram S/o Baldev Ram Gurjar, Aged About 34 Years,
Hemdai, Police Station Rash, District Beawer (Lodged In Dist.
Jail, Chittorgarh)

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

Connected With

S.B. Criminal Miscellaneous Bail Application No. 12832/2025

Sanwara S/o Shri Narayan Rawat, Aged About 30 Years,
Kesharpura, P.s Pinsaganj ,distt. Ajmer (Lodged In Dist. Jail,
Chittorgarh)

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s)	:	Mr. Ajay Kumar Vyas Mr. Ravindra Kumar Acharya
For Respondent(s)	:	Mr. Pawan Bhati, PP

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

25/02/2026

These applications for third bail under Section 483 of BNSS (439 Cr.P.C.) have been filed by petitioners who have been arrested in the present matter. The requisite details of the matter are tabulated herein below:

S. No.	Particulars of the case	
1.	FIR Number	257/2024
2.	Police Station	Nimbahera
3.	District	Chittorgarh
4.	Offences alleged in the FIR	Section 8/15 of NDPS Act
5.	Offences added, if any	

The first and second bail applications filed on behalf of petitioners were dismissed with the liberty to the petitioners to file fresh bail applications after recording of statement of Seizure

Officer. Now the statement of Seizure Officer has been record. Hence, these third applications for bail have been filed.

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case. It is further submitted that, as per the prosecution story, the petitioners were escorting the vehicle carrying narcotic contraband weighing 290 kgs of poppy straw. It is further submitted that the petitioners have been in judicial custody since 25.05.2024 (1 year 9 months as on today). It is also submitted that out of total 20 prosecution witnesses, statement of only 1 witness have been recorded and the pace of the trial is very slow.

Learned counsel argues that such an unexplained lapse occurred on the part of the concerned Seizure Officer, as the samples were sent to the FSL after an inordinate and unjustified delay. He has also submitted that Clause 1.13 of Standing Order No.1/1988 dated 15.03.1988, mandates that samples drawn ought to have been sent for FSL examination within 72 hours from recovery.

Learned counsel for the petitioner has also placed reliance on the judgment passed by a coordinate Bench of this Court in ***Avtar Singh Vs. State Of Rajasthan [S.B. Criminal Miscellaneous Bail Application No. 13483/2024]***, decided on 22.05.2025, wherein, while allowing the bail application, it was observed as under:

*“7. In **Rabi Prakash Vs. State of Odisha** passed in Special leave to Appeal (Crl.) No.(s) 4169/2023, Hon’ble the Apex Court has again passed an order dated 13th July, 2023 dealing this issue and has held that the provisional liberty(bail) overrides the prescribed impediment in the statute under Section 37 of the*

NDPS Act as liberty directly hits one of the most precious fundamental rights envisaged in the Constitution, that is, the right to life and personal liberty contained in Article 21.

8. Considering the overall facts and circumstances of the case and the fact that petitioner is behind the bars for around more than two years thus, looking to the fact that there is high probability that the trial may take long time to conclude and given the flagrant non-compliance with these mandatory provisions, this Court finds that the continued detention of the petitioner is not justified thus it is deemed suitable to grant the benefit of bail to the petitioner.

9. It is nigh well settled law that at a pre-conviction stage; bail is a rule and denial from the same should be an exception. The purpose behind keeping an accused behind the bars during trial would be to secure his presence on the day of conviction so that he may receive the sentence as would be awarded to him. Otherwise, it is the rule of Criminal Jurisprudence that he shall be presumed innocent until the guilt is proved."

Learned counsel for the petitioner has placed reliance on the judgment rendered in **Rambabu v. State of Rajasthan (SLP (Crl.) No. 5648/2025 and SLP (Crl.) No. 5732/2025)**, decided on 13.08.2025, wherein relief was granted considering the delay and lack of substantive evidence.

It is further submitted that the challan has already been filed and the petitioners have been in custody since 25.05.2024, i.e. for about 1 year, 9 months as on today. The trial of the case is likely to take a sufficiently long time to conclude; therefore, further incarceration of the petitioner is not warranted, and the benefit of bail deserves to be granted.

Per contra, learned Public Prosecutor has vehemently opposed the bail applications and submitted that the contraband recovered in this matter is above the commercial quantity and the crime committed in the present case is against the society. However, he is not in a position to refute the fact that there are no past antecedents against any of the petitioner and out of total 20

prosecution witnesses, statement of only 1 witness have been recorded; the FSL samples were sent after an inordinate delay of about 56 days; and the petitioners are in custody since long.

Having heard and considered the rival submissions, facts and circumstances of the case as well as perused material available on record; considering Clause 1.13 of Standing Order No.1/1988 dated 15.03.1988, which mandates that samples drawn ought to have been sent for FSL examination within 72 hours from recovery; there is no criminal antecedent against any of the petitioner; the challan has already been filed; the petitioners have remained in custody since 25.05.2024, i.e. for about 1 year, 9 months as on today; and the trial of the case will take sufficient long time to conclude; without expressing any opinion on merits/demerits of the case, this Court is inclined to enlarge the petitioners on bail.

Consequently, the third bail applications under Section 483 of BNSS (439 Cr.P.C.) is allowed. It is ordered that the accused-petitioners as named in the cause title, arrested in connection with the above mentioned FIR, shall be released on bail, if not wanted in any other case, provided each applicant 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.

In case, the petitioners 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 petitioners today by this Court.

(MUKESH RAJPUROHIT),J

226 & 227-AbhishekS/-