

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR

S.B. Criminal Miscellaneous **II** Bail Application No. 116/2026

Desh Singh @ Kulvinder Singh S/o Jangir Singh, Aged About 34 Years, Navahasta Police Station Sadar Fajilka District Fajilka Punjab (Lodged In Dist. Jail Hanumangarh)

-----Petitioner

Versus

State Of Rajasthan, Through Public Prosecutor

-----Respondent

For Petitioner(s)	:	Mr. Sunil Vishnoi
For Respondent(s)	:	Mr. Narendra Gehlot, PP

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

08/05/2026

This second application for bail under Section 483 BNSS (439 Cr.P.C.) has been filed by the petitioner who has been arrested in connection with F.I.R. No.331/2024, registered at Police Station Pilibanga, District Hanumangarh, for the offences under Sections 8/21 & 29 of NDPS Act.

Heard learned counsel for the parties at Bar. Perused the material available on record.

Learned counsel for the petitioner submitted that, in the present case, contraband (heroin) weighing 400 grams was recovered from the conscious possession of the co-accused persons, namely Jagga Singh, Gurvinder Singh, and Sandeep Ghintala. Learned counsel submitted that the aforesaid co-accused persons, while in judicial custody, stated in their disclosure

statements that they had procured the recovered contraband (heroin) from the present petitioner.

Learned counsel further submitted that the petitioner has been falsely implicated in the present case. It was contended that the petitioner has no criminal antecedents and has been arraigned as an accused solely on the basis of the disclosure statements of the co-accused persons, without there being any independent corroborative evidence on record.

Lastly, learned counsel for the petitioner submitted that the petitioner has been in judicial custody since 17.06.2024; the statement of the Investigating Officer has already been recorded before the competent criminal Court; and the conclusion of the trial is likely to take considerable time. Therefore, it was prayed that the benefit of bail be granted to the accused-petitioner.

Per contra, learned Public Prosecutor vehemently opposed the bail application and submitted that sufficient corroborative evidence, in the form of WhatsApp chats exchanged between the petitioner and the aforesaid co-accused persons, is available on record. It was thus contended that, considering the seriousness and gravity of the allegations levelled against the petitioner, he does not deserve 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 petitioner has been in judicial custody since 17.06.2024; he does not have any criminal antecedents; and the contraband (heroin) was not recovered from his conscious possession. Learned Public Prosecutor has also failed to point out any apprehension that the

petitioner, if enlarged on bail, is likely to abscond or involve himself in any offence of a similar nature.

This Court further finds that the twin conditions envisaged under Section 37 of the NDPS Act stand satisfied in the present case. Accordingly, without expressing any opinion on the merits or demerits of the case, this Court is inclined to enlarge the petitioner on bail.

This Court also finds that the twin conditions enumerated under Section 37 of the NDPS Act are duly satisfied in the present case. Thus, without expressing any opinion on merits/demerits of the case, this Court is inclined to enlarge the petitioner on bail.

Consequently, this second bail application under Section 483 BNSS (439 Cr.P.C.) is allowed. It is ordered that the accused-petitioner- **Desh Singh @ Kulvinder Singh S/o Jangir Singh**, arrested in connection with F.I.R. No.331/2024, registered at Police Station Pilibanga, District Hanumangarh, 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.

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