

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

S.B. Criminal Miscellaneous 2nd Bail Application No. 350/2026

Murli S/o Shri Biharilal, Aged About 21 Years, Rajyawas Thana
Kankroli District Rajsamand, Rajasthan. (Lodged In Udaipur Jail)

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

Connected With

S.B. Criminal Miscellaneous 2nd Bail Application No. 15734/2025
Gopi Alias Govind Kumar S/o Laxman Lal, Aged About 35 Years,
R/o Bhata Ka Pani, Police Station Mandwa, District Udaipur,
Rajasthan. (At Present Lodged In Central Jail Udaipur.)

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s)	:	Mr. Pritam Joshi (Through VC) Ms. Shivangi Pathak (Through VC)
For Respondent(s)	:	Mr. Urja Ram Kalbi, P.P. (Through VC)

HON'BLE MR. JUSTICE RAVI CHIRANIA

Order

10/03/2026

1. These second bail application have been filed by the petitioners Murli S/o Shri Biharilal & Gopi @ Govind Kumar S/o Laxman Lal, aged about 21 years and 35 years respectively, challenging the bail rejection order dated 11.12.2025 passed by the learned Sepcial Judge, NDPS Cases, Udaipur (Additional District & Session Judge No.1, Udaipur), District Udaipur in connection with the FIR bearing No.51/2025 registered at Police

Station Bekriya, District Udaipur for the offences punishable under Sections 8/20 & 8/29 of the NDPS Act.

2. Learned counsel submitted that the first bail application was withdrawn by the petitioners vide order dated 14.11.2025 with liberty to file fresh application after recording the statement of the Investigating Officer, thereafter, the petitioners have preferred this second bail application under Section 483 of B.N.S.S.

3. Learned counsel for the petitioners submitted that the police after conducting the investigation has filed the charge-sheet and no recovery is required to be made. Learned counsel further submitted that after filing of the charge-sheet, the statement of the Investigating Officer was also recorded by the learned Trial Court as PW-1. By referring to the FIR & charge-sheet, learned counsel submitted that there was no recovery made by the Investigating Officer from the petitioners herein. As far as the petitioner Murli is concerned, he was not arrested on the spot, and therefore, no recovery was affected from him.

4. Learned counsel further submitted that only on the basis of the abandoned vehicle, as recovered by the Police, the petitioner Murli has been implicated in the case. He further submitted that the petitioners herein have no criminal antecedents of any nature. As far as accused Gopi is concerned, learned counsel submitted that the allegations against him are in respect of Section 8/29 of the NDPS Act. He further submitted that no recovery was effected from the accused Gopi. The statements as recorded are not sufficient to conclude that the petitioners committed the alleged offence. The accused-petitioner Murli is behind the bars since 17.05.2025 and the accused-petitioner Gopi is behind the bars

since 02.08.2025. In view thereof, learned counsel prayed that the accused-petitioners be enlarged on bail.

5. Learned Public Prosecutor strongly opposed the bail application by submitting that recovery was made from the abandoned vehicle, in which the accused-petitioners Prakash and Murli were travelling together and carrying contraband substance. Learned counsel further submitted that as far as Gopi is concerned, the concerned Patwari has given the specific report and further the Investigating Officer has also stated that he supplied the contraband substance. In view thereof, learned Public Prosecutor prayed that the accused-petitioners may not be enlarged on bail.

6. This Court after hearing arguments of learned counsels noted that the instant FIR was lodged on 22.03.2025 in respect of an incident wherein an abandoned vehicle was found, from which the Police recovered the contraband substance Ganja weighting 54 kg. 300 Grams, which is more than the commercial quantity.

7. This Court noted that the petitioners herein do not have any criminal antecedents of any nature and no such fact has been recorded/mentioned in the bail rejection order by the learned Trial Court also. While considering the charge-sheet as filed by the Police, this Court noted that the abandoned vehicle which is a Car being Registration No. **RJ27CE5141** was first registered in the name of the Jodh Singh, who by way of an agreement transferred the said vehicle in the name of Man Singh by an agreement dated 26.02.2024. This Court noted that this a notarized document and the vehicle was not transferred in the name of Man Singh in the record of the Transport Department. Thereafter, the person Man

Singh by way of another document transferred the said vehicle in the name of the accused Prakash Raigar by an agreement dated 04.02.2025. Even in pursuance of this agreement, there was no transfer in the name of the last purchaser Prakash Raigar.

8. While considering this document & the charge-sheet as filed, this Court noted that the Police while searching the vehicle found the Aadhar Number of the Jodh Singh in the Car, who was the first owner of the vehicle. The manner in which the transfer of the car by way of the above mentioned documents have been made, casts a serious doubt about the investigation as conducted. The fact that the Aadhar Card of the first owner was found in the vehicle despite the fact that he sold the vehicle in the year 2024 and the vehicle is still recorded in the name of Jodh Singh the record of the Transport Department creates a serious doubt as to whether the vehicle was actually transferred by the said person in the name of last person Prakash Raigar or not. There is no investigation in this regard in the charge-sheet.

9. Considering the overall facts and circumstances including the statement of the Investigating Officer and the fact that the petitioners are behind the bars from May and August, 2025 and investigation as conducted by the Investigating Officer is seriously doubtful, charge-sheet has already been filed, no recovery is required, trial will take sufficient long time, nature of allegations, and without commenting upon merits of the matter, this Court is inclined to exercise its power under Section 483 B.N.S.S. and deems it just and proper to enlarge the accused-petitioners **Murli S/o Shri Biharilal & Gopi @ Govind Kumar S/o Laxman Lal**, on bail.

10. Accordingly, the second bail applications filed under Section 483 B.N.S.S. are allowed and it is directed that accused-petitioners **Murli S/o Shri Biharilal & Gopi @ Govind Kumar S/o Laxman Lal**, shall be released on bail, provided each of them executes a personal bond in a sum of Rs.1,00,000/- with two sound and solvent sureties of Rs.50,000/- to the satisfaction of learned trial Court for their appearance before that Court on each and every date of hearing and whenever called upon to do so till the completion of the trial. The petitioners are further directed not to take undue advantage of liberty or misuse liberty. It is made clear that the observation as made by this Court in the bail application will not affect the trial of the case.

11. It is further directed that in case, the petitioners are found to be involved in any case of similar nature within a period of two years from the date of passing of this order, learned Public prosecutor shall file an application for cancellation of these bails without fail.

(RAVI CHIRANIA),J

Monika

4-5-Jodhpur