

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Criminal Miscellaneous Bail Application No. 580/2026

Anoparam Vishnoi S/o Jetaram Vishnoi, R/o Khelariya Bhatiyon Ki Dhani, Magra Nagar, Khindakaur, Tehsil/police Station Osiya, District Jodhpur (Raj.) (At Present Confined In Central Jail, Bharatpur).

----Petitioner

Versus

Government Of India, N.c.b, Jodhpur Through Special Public Prosecutor, N.c.b., Rajasthan.

----Respondent

Connected With

S.B. Criminal 2nd Miscellaneous Bail Application No. 6134/2026
Sunil S/o Siyaram, R/o Budhi Baswani, P.s. Kotwali, District Nagaur (Raj.) (At Present Confined In Central Jail Bharatpur).

----Petitioner

Versus

Union Of India, Through Pp

----Respondent

S.B. Criminal 3rd Miscellaneous Bail Application No. 6135/2026
Omaram S/o Gumanram, R/o Lalap, Police Station Bhavanda, District Nagour. (At Present Accused Petitioner Confined Central Jail, Alwar).

----Petitioner

Versus

Union Of India, Through N.c.b. Officer Jodhpur Through Special Pp N.c.b. Rajasthan .

----Respondent

For Petitioner(s)	:	Mr. Vishal Gurjar Ms. Vaishnavi Mr. Rahul Sogani Mr. Amitesh Rana for Mr. Ved Prakash Saini Mr. Nishant Sharma
For Respondent(s)	:	Mr. Tej Prakash Sharma, Special PP

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN**Order****04/05/2026**

1. These bail applications under Section 483 of BNSS are filed by the applicants-accused **Anoparam Vishnoi S/o Jetaram Vishnoi, Sunil S/o Siyaram and Omaram S/o Gumanram** seeking bail in respect of a criminal case registered as FIR No.VIII(IO)15/NCB/IZU/2021 dated 02.10.2021 registered at P.S. NCB District - Jodhpur for the offence under Sections 8/15, 25 and 29 of NDPS Act.
2. Learned counsel for the applicants submits that the applicants have been falsely implicated in the matter and the investigation against them is complete and they are no more required by any agency. She/He further submits that there are no chance of fleeing of applicants accused from the jurisdiction of this Hon'ble Court. She/He also submits that the applicants undertakes not to repeat offence and cooperate with investigation/trial, which will take time.
3. Learned counsel for petitioner Anoparam Vishnoi submitted that the petitioner has no connection with alleged transportation of narcotics. She also submitted that the petitioner was implicated as an accused only on premise that a car bearing number RJ-19CE9977, in the name of registered owner Chena Ram but same was purchased under agreement to sale by present petitioner. She also submitted that this car was used by co-accused Ashok Kumar, who is absconding. She further submitted that other accused Kaluram, Sangramram, Dheemaram on higher charges were

already granted bail who were also having similar allegations. She also submitted that present petitioner was arrested on 26.11.2025 and since then he is in custody.

4. Learned counsel appearing on behalf of Sunil and Omaram submitted that these accused are in custody for the last four years. They further submitted that trial has been concluded but for last more than one year, same is pending for final arguments. They also submitted that the trial has been delayed for one or other reason. Learned counsel has further submitted that the accused are in custody for the last more than four and a half years whereas other accused were enlarged on bail.
5. Learned Special Public Prosecutor has vehemently opposed the bail applications and submitted that the allegations are grave and serious in nature. He submitted that the trial has already been concluded. He also submitted that trial court may be directed to decide the case as early as possible but petitioners are not entitled for bail. He further submitted that the car owned by Anoparam was used to escort the vehicle in which contraband was transported. He further submitted that the petitioner Anoparam has not cooperated during the investigation.
6. Heard learned counsel for the parties and learned Special Public Prosecutor. Perused the material placed on record by both the parties.
7. On the basis of secret information that six persons, namely Sangramram, Dheemaram, Ashok Vishnoi, Sunil, Omaram, Kaluram will smuggle 6-7 quintal of poppy husk in truck

number RJ-19GF2128 from Jharkhand to Nagaur and the truck will be escorted by Swift car number RJ-19CE9977, the information was recorded and a team of NCB contacted SHO, Police Station Halena, Bharatpur and intercepted truck number RJ-19GF2128 along with escorted car number RJ-19CE9977. On search, 619.800 kg poppy husk (crushed capsule of opium residue) was recovered in 28 gunny bags. All six persons were detained and interrogated. FIR was registered. The statements of accused under Section 67 of NDPS Act were recorded. After arrest, a criminal complaint is filed before learned Special Judge, NDPS Act cases, Bayana, District Bharatpur against seven persons under Sections 8, 15, 25 and 29 of NDPS Act, but investigation was kept pending against other persons.

8. The material submitted by learned Special Public Prosecutor indicated that all 13 witnesses were examined by the trial court, but at the time of pronouncement of judgment, one of the accused, Ashok Vishnoi, who was on interim bail, got absconded as he has not surrendered after availing interim bail.
9. The NCB has issued notice to Anoparam for his statement under Section 67 of NDPS Act, but he has not appeared to record his statement. Ultimately, the accused appeared on 26.11.2024 for recording his statement. The admission in the statement indicates that Anoparam is owner of Swift car bearing registration number RJ-19CE9977 used to escort in illegal transportation of contraband. Accused Anoparam was arrested on 26.11.2025 and since then he is in custody.

10. In case of **Bhutta Ram Versus Union of India (Bail Application No. 12861/2024)**, a coordinate Bench after considering several facts has granted bail to Bhutta Ram. While granting bail, the Bench has observed that Dheemaram was already granted bail. Another accused, Kaluram, was granted bail by Hon'ble Supreme Court on 10.09.2024 in SLP (Criminal) No. 10683/2024. The material on record indicated that Sunil and Omaram are in custody since their arrest on 04.10.2021. The material on record further indicated that after concluding trial against seven persons in Sessions Case No. 46/2022 titled as **State vs. Sangram Ram and others**, learned Additional Sessions Judge, Weir, District Bharatpur has posted the Sessions Case for pronouncement of judgment, and due to bail order for interim bail dated 04.11.2025 by a coordinate Bench of this Court, accused Ashok was released on bail but he has not surrendered on 24.11.2025. Since then, warrants of arrest have been issued against him. The material indicated that ultimately Ashok was declared as absconder and standing warrant is issued against him. Now the matter is fixed for final arguments on 25.04.2026.
11. Section 355 of BNSS (corresponding to Section 317 Cr.P.C.) provides for inquiries and trial being held in absence of accused in certain cases and same is reproduced as under:
At any stage of an inquiry or trial under this Sanhita, if the Judge or Magistrate is satisfied, for reasons to be recorded, that the personal attendance of the accused before the Court is not necessary in the interests of justice, or

that the accused persistently disturbs the proceedings in Court, the Judge or Magistrate may, if the accused is represented by an advocate, dispense with his attendance and proceed with such inquiry or trial in his absence, and may, at any subsequent stage of the proceedings, direct the personal attendance of such accused.

12. It is imperative for every court, handling trial of criminal cases, whether a Sessions or a Magistrate trial, to apply correct provisions in most pragmatic manner so that delay caused by certain persons, like in present case, is avoided. The speedy trial is a fundamental right and learned Additional Sessions Judge has to understand the basics of law. Now the matter has again been fixed for final arguments and it is expected that on next date the final arguments will be heard and matter be disposed of within the month of May itself. Therefore, this Court is not inclined to grant bail to Sunil and Omaram.
13. As regard the case of accused Anoparam is concerned, bail rejection order dated 17.12.2025 indicates that two other criminal cases were registered against him and one has resulted into conviction whereas another relating to NDPS is pending. This is not the first case under the NDPS Act against the present petitioner. The vehicle of petitioner was used as escort vehicle illegal transportation of narcotics. Therefore, considering the gravity and seriousness of charge, this Court is of the considered view that this is not a fit case to enlarge petitioner Anoparam on bail.

14. In view of discussion made hereinabove, the bail applications preferred by petitioners **Anoparam Vishnoi S/o Jetaram Vishnoi, Sunil S/o Siyaram and Omaram S/o Gumanram** are hereby dismissed.
15. The trial court is directed to hear the arguments as early as possible and try to decide the sessions case within one month from the date of receipt of copy of the order.
16. Office is directed to send a copy of this order through E-mail to the trial court and also to the District Judge, Bharatpur.

(ASHOK KUMAR JAIN),J