

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous Bail Application No. 2820/2026

Harishchand S/o Mathuralal, Aged About 58 Years, R/o Parpati
Police Station Aklera District Jhalawar (Raj) (At Present Confined
In Sub District Jail Aklera District Jhalawar (Raj))

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s)	:	Mr. Rohit Khandelwal
For Respondent(s)	:	Mr. Vijay Singh Yadav, PP

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

01/05/2026

1. The present bail application under Section 483 of BNSS is filed by the applicant-accused **Harishchand S/o Mathuralal** seeking bail in respect of a criminal case registered as FIR No. 72/2026 dated 04.02.2026 registered at P.S. Aklera, District-Jhalawar, for the offence under Sections 8/18 and 26 of NDPS Act.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in the matter and the investigation against him is complete and he is no more required in investigation. He further submits that there are no chance of fleeing of applicant accused from the jurisdiction of this Hon'ble Court. He also submits that the applicant undertakes not to repeat offence and cooperate with investigation/trial, which will take time.

3. Learned counsel for petitioner submitted that the petitioner was granted a license for poppy cultivation, but some discrepancy was noticed by the police and only on the basis of such difference, the police has registered a case against the petitioner. He further submitted that no report has been filed by the District Opium Officer or any other competent authority. He also submitted that the allegation against the petitioner is that he has cultivated on Khasra No. 570 instead of Khasra No. 571, whereas the petitioner had received license for Khasra No. 571. Lastly, he placed reliance upon order dated **23.05.2024 in Second Bail Application no. 6376/2024, Guman Singh Vs. State of Rajasthan**, decided by a Co-ordinate bench at Principal Seat Jodhpur and order dated **09.04.2026** and in **Bail Application no. 3896/2026, Satyanarayan Vs. State of Rajasthan**, decided by a Coordinate Bench of this Court and order dated **01.04.2021 passed in S.B. Criminal Misc. Bail application No. 4007/2021; Bhagirath Ram Vs. State of Rajasthan** decided by a Co-ordinate bench at Principal Seat Jodhpur and submitted that at the most, the case would fall under Section 18(c) of the NDPS Act and the maximum punishment is up to 10 years.
4. Learned Public Prosecutor has vehemently opposed the bail application and submitted that the allegations are grave and serious in nature.
5. Heard learned counsel for the petitioner-accused and learned Public Prosecutor. Perused the material placed on record by both the parties.

6. On 03.02.2026, Police Station Aklera, District Jhalawar, received information during patrolling that poppy cultivation was being undertaken on government land. The police, after investigation, found that the present petitioner, who had procured license for Khasra No. 571 for poppy cultivation, had carried out cultivation on Khasra No. 570. After completion of proceedings, FIR No. 72/2026 was registered at Police Station Aklera, District Jhalawar and the petitioner was arrested on 03.02.2026. The material on record also indicates that two criminal cases relating to IPC were registered against the petitioner.
7. In case of **Bhagirath Ram Vs. State of Rajasthan (supra)** and **Guman Singh Vs. State of Rajasthan and others (supra)**, a Co-ordinate Bench after considering the legal position has granted bail to a person who was charged for the offence of cultivation of poppy plant, observing that Section 37 of the NDPS Act is not attracted in such cases. An identical view was expressed by another coordinate bench in case of **Satyanarayan Vs. State of Rajasthan (supra)**.
8. Upon hearing the arguments and perusing the record, we have found that the applicant-accused is no more required in the investigation and he is in custody for quite some time. The further proceedings will take its own time, therefore, looking to entirety of facts and circumstances of the case and without expressing any opinion on merits of the case, the Court deems it appropriate to grant bail to the applicant-accused.

9. Thus, the instant bail application filed on behalf of applicant-accused **Harishchand S/o Mathuralal**, is hereby allowed and the applicant-accused is ordered to be released on bail upon furnishing a personal bond of ₹50,000/- with two sureties of like amount to the satisfaction of the Trial Court with the following conditions:-

- (i) The applicant-accused shall not tamper with evidence or influence the witness in any manner.
- (ii) The applicant-accused shall not indulge in any criminal activity and shall not repeat any criminal offence punishable under the Law.
- (iii) The applicant-accused shall attend the hearing of the Trial Court on the date fixed by the Trial court or as and when asked to appear before the Trial Court.
- (iv) In case of any violation of above conditions, the bail granted to the applicant-accused shall be liable to be canceled.

10. The Registry is directed to send a copy of this order to the Trial Court through E-mail.

(ASHOK KUMAR JAIN),J