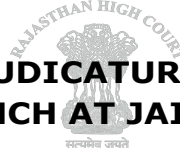




**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Criminal Miscellaneous II Bail Application No. 3374/2026

Mohammad Husain Urf Husain Baccha S/o Shri Mahamud Bai,
Aged About 52 Years, R/o Talab Pada, Baran, Police Station
Kotwali Baran, District Baran (Raj.) (At Present In District Jail
Baran).

-----Accused-Petitioner

Versus

The State Of Rajasthan, Through PP

-----Respondent

For Petitioner(s)	:	Mr. Anshuman Saxena, Adv.
For Respondent(s)	:	Ms. Arti Sharma, PP

HON'BLE MR. JUSTICE ANIL KUMAR UPMAN

Order

05/05/2026

1. This second bail application has been filed under Section 483 of BNSS on behalf of the petitioner, who has been arrested in connection with FIR No.614/2025 registered at Police Station Kotwali Baran, District Baran for the offences punishable under Sections 8/21 of NDPS Act. After completion of investigation, police filed charge-sheet in this matter.
2. Learned counsel for the petitioner submits that first bail application of the petitioner was dismissed as withdrawn with liberty to renew the prayer for bail in changed circumstances. He further submits that after rejection of the first bail application, charges have been framed against the petitioner. Thus, this second bail application has been preferred by the petitioner.



3. It is contended by learned counsel for the petitioner that petitioner has falsely been implicated in this case. Learned counsel submits that alleged recovered contraband smack (30.67 gms) is below commercial quantity. He further submits that though 13 other cases have been registered against the petitioner as per impugned order, but in 9 cases, he has been acquitted. He argues that trial will take considerable time in its conclusion. He contends that petitioner is in custody since 03.11.2025 and further custody of the petitioner would not serve any fruitful purpose. He further contends that he is ready to abide by all such conditions which may be imposed by this Court.

4. Learned Public Prosecutor opposes the submissions made by the learned counsel for the petitioner and submits that though recovered quantity from the possession of the petitioner is below commercial quantity, but he is a habitual offender as 13 other cases have been registered against him. However, she fairly concedes that in 9 cases, he has been acquitted.

5. I have considered the contentions.

6. Having regard to the totality of the facts and circumstances of the case; considering the arguments advanced by learned counsel for the petitioner, especially the fact that alleged recovered contraband smack is below commercial quantity; charge-sheet has been filed; petitioner has been acquitted in 9 cases out of 13 cases registered against him and trial will take time in its conclusion as well as looking to the custody period, but without commenting anything on the merits/demerits of the case, I deem it proper to allow the second bail application.



7. This second bail application is accordingly allowed and it is directed that accused-petitioner – **Mohammad Husain Urf Husain Baccha S/o Shri Mahamud Bai** shall be released on bail provided, he furnishes a personal bond in the sum of Rs.5,00,000/- (Rupees Five Lakh Only) together with two sureties in the sum of Rs.2,50,000/- (Rupees Two Lakh and Fifty Thousand Only) each to the satisfaction of the learned trial Court with the stipulation that he shall appear before that Court and any Court to which the matter is transferred, on all subsequent dates of hearing and as and when called upon to do so.

8. Considering the criminal antecedents of the petitioner, it is made clear that the petitioner shall not involve in similar offence(s) during currency of bail granted by this Court. The petitioner is further directed to mark his presence in the concerned police station in first and third weeks of every month, till trial is concluded. It is further directed that petitioner shall share his mobile number (in use) to the trial Court and Investigating Agency and he shall not switch off his phone for longer period.

9. Concerned SHO shall enter the attendance of the petitioner in the Roznamcha. In case the petitioner fails to mark his presence in the concerned police station, as directed above, the concerned SHO is directed to immediately report the matter to the concerned Court in this regard.

10. If breach of any of these conditions is reported or come to the notice of the Court, the same shall alone be a reason for the trial Court to cancel the bail granted to him by this Court.



11. Office is directed to send copy of this order to the concerned SHO for necessary compliance.

12. The observation made hereinabove is only for decision of the instant bail application and would not have any impact on the trial of the case in any manner.

(ANIL KUMAR UPMAN),J

MADAN/18