



HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous II Bail Application No. 3992/2026

Vivek @ Nandu Tada S/o Divraj, Aged About 31 Years, R/o Gaguda (Behakadi Naadi Ke Pass Khet Me Makan Bana Hua) Police Station Gotan Distt. Nagour (Petitioner Is In Sub Jail Aklera).

----Accused-Petitioner

Versus

The State Of Rajasthan, Through PP

----Respondent

Connected With

S.B. Criminal Miscellaneous II Bail Application No. 4146/2026

Ghanshyam S/o Mangilal, Aged About 25 Years, R/o Mahuakho (Upar Ka Pura) Police Station Aklera District Jhalawar (Raj) (At Present Confined In Sub District Jail Aklera District Jhalawar Raj)

----Accused-Petitioner

Versus

State Of Rajasthan, Through PP

----Respondent

For Petitioner(s)	:	Mr. Ali Mohammad Khan, Adv., with Ms. Drishti Mishra, Adv., and Mr. Rohit Khandelwal, Adv.
For Respondent(s)	:	Ms. Arti Sharma, PP with Mr. M.S. Shekhawat, PP

HON'BLE MR. JUSTICE ANIL KUMAR UPMAN

Order

16/03/2026

1. These second bail applications have been filed under Section 483 of BNSS on behalf of the petitioners, who have been arrested in connection with FIR No.102/2025 registered at Police Station Aklera, District Jhalawar for offences punishable under Sections 8/21 and 8/29 of NDPS Act. After completion of investigation, Police filed charge-sheet in this matter.



2. Previous bail applications filed on behalf of the petitioners were dismissed as withdrawn by this Court with liberty to renew the prayer for bail after submission of result of investigation. Now, charge-sheet has been filed during the course of trial thus, these second bail applications have been preferred.

3. Learned counsel for the petitioners submit that petitioners have falsely been implicated in this case. Counsel further submit that admittedly, no contraband has been recovered from the possession of the petitioners. They further argue that co-accused Ramesh Chand was found in possession of contraband weighing 118.09 gms smack which was allegedly purchased by him from co-accused Pintu Kumar. Petitioners' names were surfaced first time in the interrogation of aforesaid Pintu Kumar and on that basis, arrest of the petitioners has been made in this case. Learned counsel appearing for the accused-petitioner Ghanshyam submits that though there are two criminal antecedents against the petitioner, but in one case he has been acquitted and other case pertains to recovery of two gms smack, which is bailable in nature. Learned counsel appearing for the accused-petitioner Vivek @ Nandu Tada submits that though there is one criminal against the petitioner, but in said case also no recovery has been made from the possession of the petitioner. Learned counsel relied upon the judgment passed by the Hon'ble Supreme Court in the case of **Tofan Singh Vs. State of Tamil Nadu** reported in **AIR 2020 SC 5592**. It is contended that trial will take considerable time in its conclusion. Counsel submit that petitioners are in



custody since their date of arrest and further custody of the petitioners would not serve any fruitful purpose.

4. Learned Public Prosecutor opposes the submissions made by learned counsel for the petitioners.

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 petitioners, especially the fact that no contraband has been recovered from the possession of the petitioners; accused-petitioners have been made accused in this case primarily on the basis of police interrogation of co-accused Pintu Kumar; further considering the ratio laid down in the case of **Tofan Singh** (supra) and trial will take considerable time in its conclusion as well as looking to the period of custody, but without commenting anything on the merits/demerits of the case, I deem it fit and proper to allow these second bail applications.

7. These second bail applications are accordingly allowed and it is directed that accused-petitioners **(1). Vivek @ Nandu Tada S/o Divraj**, and **(2). Ghanshyam S/o Mangilal** shall be released on bail provided each of them 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 they 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. It is made clear that the accused-petitioners shall not involve in any other offence(s) during currency of the bail and they shall mark their presence in first week of every month in the concerned police station.

9. Concerned SHO shall enter the attendance of the petitioners in the Roznamcha. In case the petitioners fail to mark their presence in the concerned police station, the concerned SHO is directed to immediately report the matter to the concerned Court in this regard.

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

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

12. The observations made hereinabove are only for decision of the bail applications and would not have any impact on the trial of the case in any manner.

(ANIL KUMAR UPMAN),J