



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

**S.B. Criminal Miscellaneous Bail Application No.
4872/2026**

Rekha W/o Shri Mukesh, Aged About 36 Years, Resident Of Transport Nagar, Mohalla Bachhdi Kptputali, Police Station Kotputali, District Kotputali-Behror (Raj.) (Presently In Sub-Jail Kotputli)

----Petitioner

Versus

State Of Rajasthan, Through P.P.

----Respondent

For Petitioner(s)	:	Mr. Umesh Vyas
For Respondent(s)	:	Mr. Shree Ram Dhakar, P.P.

HON'BLE MR. JUSTICE GANESH RAM MEENA
Order

22/04/2026

1. The instant bail application has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 on behalf of accused-petitioner in connection with FIR No. 150/2026 registered at Police Station Kotputali, District Kotputli-Behror for offence under Sections 8, 21 of the N.D.P.S. Act 1985.

2. Learned counsel for the petitioner submits that the accused-petitioner has falsely been implicated in this case. Learned counsel further submits that as per the F.I.R., the allegation levelled against the present accused-petitioner is that 6.03 gram *smack* has been recovered from his possession, which is less than commercial quantity. He further submits that the accused-petitioner is in custody since 22.03.2026 and no other case of similar nature is pending against the accused-petitioner and trial of the case is likely to take considerable time to conclude, therefore, the accused-petitioner may be released on bail.



3. Learned Public Prosecutor has vehemently opposed the bail application and submits that there is a recovery of 6.03 gram *smack* from the possession of the accused-petitioner, therefore, she does not deserve indulgence of bail by this Court.

4. Considered the submissions made at bar and also perused the material made available on record.

5. The allegation against the petitioner relates to commission of offence under the provisions of Sections 8, 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and the alleged recovery from her is of 6.03 gram *smack*, which is stipulated to be less than commercial quantity. The restriction for grant of bail under the provisions of Section 37 of the N.D.P.S. Act does not apply in the present case.

6. The Hon'ble Apex Court in the case of **Puranmal Jat Vs. State of Rajasthan** in **Criminal Appeal No.3394/2023 arising out of SLP (Crl.) No.10670/2023** decided on **02.11.2023** has enlarged the accused therein on bail and observed as under:-

"The allegations against the appellant relate to commission of offence under the provisions of Sections 8 and 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter called "the Act"). Alleged recovery from him is about 35 kgs. and 150 grams *Doda Posh* (Poppy straw). The commercial quantity for poppy straw is 50 kgs. The appellant is in custody for over seven months. Charge-sheet has been submitted in the case. The recovered contra-band item having weight less than the stipulated commercial quantity, the restriction on grant of bail



under Section 37 of the Act does not apply in his case. We do not think his continued detention pending trial is necessary in the given circumstances.”

7. Having regard to the submissions made above, this Court without expressing any opinion on the merits or demerits of the case, deems just and proper to enlarge the accused- petitioner on bail.

8. Accordingly, the present bail application is allowed and it is directed that the accused-petitioner shall be released on bail provided that he furnishes a personal bond in the sum of Rs.1,00,000/- (Rupees One Lax Only) together with two sureties in the sum of Rs.50,000/-(Rupees Fifty Thousand Only) each to the satisfaction of the learned Trial Court with the stipulation that he shall appear before that Court or any Court to which the matter is transferred, on all subsequent dates of hearing and as and when called upon to do so.

9. However, it is made clear that in case the accused-petitioner is found to be involved in any other criminal case of similar nature in future, the prosecution would be at liberty to move an application for cancellation of this bail order.

(GANESH RAM MEENA),J