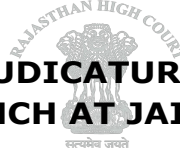




**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Criminal Miscellaneous Bail Application No. 5341/2026

Shyamlal Hudda S/o Goparam @ Gopal, Aged About 31 Years,
Residence Of Machara Ki Dhani, Village Khedi Salava, Police
Station Dangiyawas, Distt. Jodhpur (Raj.) (Petitioner Is In Dist.
Jail Jhalawar)

-----Petitioner

Versus

State of Rajasthan, through PP

-----Respondent

For Petitioner(s)	:	Mr. Drishti Mishra
For Respondent(s)	:	Mr. S.R. Dhakad, PP

HON'BLE MR. JUSTICE GANESH RAM MEENA

Order

22/04/2026

1. This bail application has been filed by the accused petitioner u/S 483 BNSS in connection with FIR No. 8/2026 registered at Police Station Asnawar, District Jhalawar for offence u/S 8/15 & 8/25 of the NDPS Act.
2. Heard.
3. Considered the submissions made by learned counsel for the accused petitioner as well as learned Public Prosecutor and also perused the case diary.
4. As per the facts on record, the alleged contraband *doda chura* weighing 469.550 Kg. is said to have been recovered. The allegation against the accused petitioner is that he loaded that contraband in the vehicle (pickup).



5. Learned counsel appearing for the accused petitioner submits that the petitioner is a labour and he was engaged by Pradeep for loading certain bags saying that those were the wheat bags. She further submits that the petitioner was not knowing whether there was any contraband in the bags and he is simply a labour and loaded the bags in the pickup for earning his livelihood. She further submits that the accused petitioner is in custody since 15.01.2026.

6. Learned Public Prosecutor vehemently opposed the bail application and submits that since the alleged contraband involved in the present criminal case is above the commercial quantity and therefore the provisions of Section 37 of the NDPS Act are attracted in this case and the petitioner does not deserves to be enlarged on bail.

7. On consideration of the submissions made by counsel for the accused petitioner and perusal of the case diary, the Court finds that the allegation against the accused petitioner is of loading certain bags in the pickup after being engaged by one Pradeep. If a person is engaged on wages by any other person for loading the bags, in that situation it cannot be said that the accused petitioner who is working as a labour is knowing about the fact that there is contraband in the bags. It is also come on record that alongwith the bags containing contraband, 40 bags of wheat were also loaded by the petitioner, meaning thereby he might have been engaged to load the bags and he may not be aware of the bags containing contraband.



8. In view of the facts as appears from the investigation report, this Court can safely record its satisfaction that the petitioner may not be held guilty of an offence as alleged against him.

9. Taking into consideration the overall facts and circumstances of the case so also the allegation and act of the accused petitioner borne out from the facts on record and the fact that he is in custody since 15.01.2026, this Court, without expressing any opinion on merits/demerits of this case, deems just and proper to enlarge the accused petitioner on bail

10. Accordingly, this bail application is allowed and it is directed that accused-petitioner shall be released on bail provided that he furnishes a personal bond in the sum of Rs. 1,00,000/- (Rupees One Lac Only), together with two sureties in the sum of Rs. 50,000/- (Rupees Fifty Thousand Only) to the satisfaction of the 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.

11. In case the accused-petitioner is found to be involved in any other criminal case of similar nature in future, the prosecution may move application for cancellation of his bail.

(GANESH RAM MEENA),J