

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous Bail Application No. 5131/2026

Ajaypal S/o Sh Rampal, Aged About 30 Years, R/o Satalawas,
Tehsil Merta City, District Nagaur.

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s)	:	Mr. Deshraj Kalwania Ms. Nikita Sharma
For Respondent(s)	:	Mr. Vijay Singh Yadav, PP

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

07/05/2026

1. This instant application under Section 482 of BNSS is filed by the petitioner-applicant **Ajaypal S/o Sh Rampal** for seeking anticipatory bail in event of arrest in connection with FIR No. 63/2025 dated 23.03.2025 registered at P.S. Rupangarh, District-Ajmer for alleged offence under Sections 8/22 of NDPS Act.
2. Learned counsel for the applicant submits that the applicant has falsely implicated in a concocted criminal case. He also submitted that the applicant(s) may be arrested due to ulterior motive and to fulfill personal *vendetta* of complainant though there is no evidence against the petitioner-applicant. He further submitted that the petitioner is a law abiding citizen having no previous criminal antecedents, but he assure(s) full cooperation with Investigating Agency.

3. Learned counsel for petitioner further submits that petitioner is not named in FIR as main accused is Salam Meer and charge-sheet has already been filed against him. He further submitted that on the basis of intimation/interrogation note of Salam Meer, present petitioner was named as an accused under Section 29 of NDPS Act. He further submitted that there is no independent witness on record to show involvement of present petitioner. He further submitted that the FSL report also indicate that the recovered article is not MDMA rather it is Mephedrone. He further submitted that any interrogation note or confessional statement of co-accused is not admissible against the present petitioner and present petitioner cannot be arrayed as an accused, on basis of said statement. He placed reliance upon judgment in case of **Toofan Singh Vs. State of Tamil Nadu, reported as (2021) 4 SCC 1.**
4. Learned Public Prosecutor has opposed the bail application and submitted that the allegations against the petitioner are grave and serious, therefore, at the stage of investigation, the petitioner-applicant, is required for investigation, hence, he is not entitled to grant anticipatory bail. He also submitted report received from concerned police station.
5. Heard learned counsel for the petitioner-applicant and learned Public Prosecutor. Perused the material available on record submitted by both the parties.
6. On 23.03.2025 the SHO P.S. Rupangarh, District Ajmer has intercepted a car no. RJ42 CA 5252 and recovered 20.09 gm of MDMA and registered FIR no. 63/2025 under Section 8/20

and 8/22 of NDPS Act, and driver Salam Meer was arrested by police and was released on bail by a Co-ordinate Bench of this Court on 05.03.2026.

7. In case of **Toofan Singh (supra)**, Hon'ble Supreme Court has held that confession to police under Section 67 of NDPS Act are inadmissible. It is necessary for the investigation agency of collect corroborative evidence beyond the confession of any accused in NDPS cases.
8. Since, this bail application is filed under Section 482 of BNSS for anticipatory bail, therefore, at this stage, when the issue relates to NDPS Act, then have to look into allegations and evidence collected by agency. After taking note, we are firmly of the view that when there is some suspicion on the basis of information received during investigation then, same requires investigation, therefore, considering the arguments as advanced by learned counsel for parties, I am of the opinion that this is not a fit case to enlarge present petitioner accused on anticipatory bail.
9. Hence, the bail application filed by the petitioner-accused **Ajaypal S/o Shri Rampal** under Section 482 of BNSS is hereby dismissed.

(ASHOK KUMAR JAIN),J