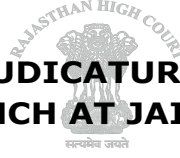




**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Criminal Miscellaneous Bail Application No. 5407/2026

Subhash Son Of Shri Shyopal, Aged About 25 Years, Resident Of
Khora, Police Station Jeenmataji Tehsil Dantaramgarh, District
Sikar (Raj.) (At Present Confined In Jail Sikar)

-----Petitioner

Versus

State Of Rajasthan, Through P.p.

-----Respondent

For Petitioner(s)	:	Mr. Babu Lal Nasuna
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. 59/2026 registered at Police Station Khatu Shyamji, District Sikar for offence u/S 8/21 of the NDPS Act.
2. Heard learned counsel for the petitioner as well as the Public Prosecutor.
3. Learned counsel for the accused petitioner submits that during patrolling by the police, the accused petitioner was stopped and searched and a total of 18.30 gm. of illegal drug *smack* was recovered from his possession. He further submits that the recovery effected from the possession of the accused petitioners is less than the commercial quantity. He further submits that the accused petitioner is behind the bars since 20.03.2026. He further



submits that no case of similar nature is pending against the accused petitioner, therefore, the petitioner may be released on bail.

4. Learned Public Prosecutor vehemently opposed the bail application and submits that there is a recovery of 18.30 gm. *smack* from the possession of the petitioner, therefore, he does not deserve indulgence of bail by this Court.

5. Considered the submissions made by learned counsel for the petitioner as well as learned Public Prosecutor.

6. The allegation against the petitioner relates to commission of offence under the provisions of Section 8/21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and the alleged recovery from him is of 18.30 gm. *smack* which is stipulated to be less than the 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.

7. 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 contraband 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."

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

9. 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.

10. 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