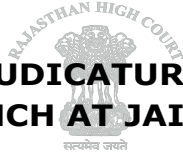




**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Criminal Miscellaneous Bail Application No. 5576/2026

Phoolchand S/o Bhairulal, Aged About 35 Years, R/o Jhikhdiya,
Police Station Ghatoli, District Jhalawar (Rajasthan).
(Presently Confined At District Jail, Jhalawar).

-----Petitioner

Versus

State of Rajasthan, Through P.P.

-----Respondent

For Petitioner(s)	:	Mr. Fateh Ram Meena with Mr. Akash Sharma
For Respondent(s)	:	Mr. Vijay Singh Yadav, P.P.

HON'BLE MR. JUSTICE RAVI CHIRANIA

Order

22/05/2026

1. This criminal misc. bail application has been filed by the petitioner-Phoolchand S/o Bhairulal, under Section 483 of B.N.S.S., who was arrested by the police in connection with the FIR bearing No.176/2025 dated 19.08.2025 registered at Police Station Asnawar, District Jhalawar for the offences punishable under Sections 8, 21 & 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act of 1985').
2. Learned counsel for the petitioner submits that the petitioner was travelling along with his wife Mamta on the date of incident and has falsely been implicated in the present case. Learned counsel further submits that his case is at par with co-accused Mamta (wife of petitioner herein), who has already been enlarged on bail by this Court while allowing the **Criminal Misc. Bail Application No.811/2026 (Anjana Bai & Ors. Vs. State**



of Rajasthan) dated 13.03.2026. Learned counsel further submits that driver of the vehicle namely Gordhan who was carrying the contraband substance (Smack) quantified as more than commercial quantity, as prescribed, has committed the alleged offence. He further submits that the petitioner herein claims parity with the co-accused Hemant and other females with whom he was travelling at that time. He further submits that the petitioner has no criminal antecedents of any nature in the past, which further shows that he has falsely been implicated on account of the fact that the driver Gordhan was carrying contraband substance. In view thereof, learned counsel prayed that the petitioner be enlarged on bail.

3. Learned Public Prosecutor strongly opposes the bail application by submitting that the contraband substance as recovered in the case is more than the commercial quantity as prescribed under the Act of 1985 and he may not be enlarge on bail.

4. Heard Learned counsel for the parties.

5. This Court considered the fact that the co-accused Hemant and other females (four in number) who were travelling (along with the petitioner) on the date of incident jointly from one place to other have already been enlarged on bail by this Court vide order dated 13.03.2026. This Court also noted that as per the investigation done by the police, it is driver of the vehicle Gordhan who was carrying the contraband substance in the vehicle from which the police made recovery. This Court further noted that the Police after investigation has filed the charge-sheet on 13.02.2026, trial of the case will take sufficiently long time and



further there are no cases of NDPS Act against the petitioner in the past.

6. After considering the overall facts and circumstances of the case, this Court is inclined to exercise its power under Section 483 B.N.S.S. and deems it just and proper to enlarge the accused-petitioner on bail.

7. Accordingly, the bail application filed under Section 483 B.N.S.S. is allowed and it is directed that accused-petitioner **Phoolchand S/o Bhairulal**, shall be released on bail, provided he executes a personal bond in a sum of Rs.1,00,000/- with two sound and solvent sureties of Rs.50,000/- to the satisfaction of learned trial Court for his appearance before that Court on each and every date of hearing and whenever called upon to do so till the completion of the trial. The petitioner is further directed not to take undue advantage of liberty or misuse liberty. It is made clear that the observations as made by this Court in the bail application will not affect trial of the case.

8. The petitioner shall mark his presence before the concerned SHO of the Police Station twice a month for the entire period of the Trial. The SHO shall maintain register to mark presence of the petitioner. In case, the petitioner fails to appear twice in any month, then the same shall be considered as breach and this bail shall stands canceled automatically without further reference to the Court.

9. **It is further directed that in case, the petitioner is found to be involved in any case of NDPS Act during**



**pendency of the Trial, learned Public prosecutor shall file
an application for cancellation of the bail.**

(RAVI CHIRANIA),J

12/Monika