

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous Bail Application No. 5802/2026

Kaushal S/o Bheem Singh Sansi, Aged About 25 Years, R/o Village Diggi, Police Station Diggi, Tehsil Malpura, District Tonk, Rajasthan. (At Present Confined At District Jail Tonk).

-----Petitioner

Versus

State Of Rajasthan, Through Public Prosecutor

-----Respondent

Connected With

S.B. Criminal Miscellaneous Bail Application No. 6334/2026

Sonu S/o Bannalal @ Banna Sansi, Aged About 25 Years, R/o Dibaru, Police Station Mehandawas, At Present Sonawa Road Patti Ki Tal Ke Pass Tonk, Police Station Sadar Tonk, District Tonk (Rajasthan). (Presently Confined In District Jail At Tonk).

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s)	:	Mr. Umesh Dixit Mr. Narsi Prasad Sharma
For Respondent(s)	:	Mr. Vijay Singh Yadav, PP

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

05/05/2026

1. These bail applications under Section 483 of BNSS are filed by the applicants-accused **Kaushal S/o Bheem Singh Sansi and Sonu S/o Bannalal @ Banna Sansi**, seeking bail in respect of a criminal case registered as FIR No.81/2026 dated 20.03.2026 registered at P.S. Sadar Tonk,

District - Tonk, for the offence under Sections 8/20, 8/25 of NDPS Act.

2. Learned counsel for the applicants submits that the applicants have been falsely implicated in the matter and the investigation against them is complete and they are no more required in investigation. He further submits that there are no chance of fleeing of applicant accused from the jurisdiction of this Hon'ble Court. He also submits that the applicants undertakes not to repeat offence and cooperate with trial, which will take time.
3. Learned counsel on behalf of the petitioner accused Kaushal submits that no recovery is effected from the present petitioner. He further submits that the recovery is effected from accused Sonu and only on his interrogation note, the present petitioner Kaushal was arrayed as an accused. He further submits that the pending cases are relating to Excise Act and they were registered five years before the registration of current case.
4. Learned counsel appearing on behalf of petitioner accused Sonu submits that police has not complied with mandatory provisions under the NDPS Act before effecting search and seizure. He also submits that the petitioner was not aware about the bag loaded on scooty. He also submits that the recovered article of green leaves and stems does not fall within definition of ganja. He also submits that the recovered quantity is less than commercial and there is no criminal antecedents against the petitioner accused.

5. Learned Public Prosecutor has vehemently opposed the bail applications and submitted that the allegations are grave and serious in nature. He has also filed a report received from concerned Police Station.
6. Heard learned counsel for the parties and learned Public Prosecutor. Perused the material placed on record by both the parties.
7. After midnight on 20.03.2026, a person was found running on scooty number RJ-26-ES-2147 who was nabbed on follow-up. The police has recovered 10.681 kg of ganja from a gunny bag loaded on scooty. The accused Sonu was detained and an FIR No. 81/2026 was registered at PS Sadar, District Tonk. Arrested Sonu has named Kaushal as the source of supply of ganja to him and Kaushal was arrested on 22.03.2026 for the offence under Section 8/29 of NDPS Act. There is no criminal antecedents against petitioner accused Sonu, but five criminal cases relating to Rajasthan Excise Act were registered against petitioner accused Kaushal, the last case was registered on 30.10.2021. The recovered quantity of Ganja is less than commercial.
8. The issue regarding recovery of green leaves and stems is required to be considered at the time of trial and not a subject matter at this stage. The ganja is defined under Section 2(iii)(b) of the NDPS Act. We are not expressing any opinion on basis of material placed before us.
9. Upon hearing the arguments and perusing the record, we have found that the applicants-accused are no more required

in the investigation and they are in custody for quite some time. The further proceedings will take its own time, therefore, looking to entirety of facts and circumstances of the case and without expressing any opinion on merits of the case, the Court deems it appropriate to grant bail to the applicants-accused.

10. Thus, these bail applications filed on behalf of applicants-accused **Kaushal S/o Bheem Singh Sansi and Sonu S/o Bannalal @ Banna Sansi**, are hereby allowed and the applicants-accused are ordered to be released on bail with condition that each of the petitioner would furnish a personal bond of ₹50,000/- with two sureties of like amount to the satisfaction of the Trial Court with the following conditions:-
- (i) The applicants-accused shall not tamper with evidence or influence the witness in any manner.
 - (ii) The applicants-accused shall not indulge in any criminal activity and shall not repeat any criminal offence punishable under the Law.
 - (iii) The applicants-accused shall attend the hearing of the Trial Court on the date fixed by the Trial court or as and when asked to appear before the Trial Court.
 - (iv) In case of any violation of above conditions, the bail granted to the applicants-accused shall be liable to be canceled.
11. The Registry is directed to send a copy of this order to the Trial Court through E-mail.

(ASHOK KUMAR JAIN),J