

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

S.B. Criminal Miscellaneous 4th Bail Application No. 6136/2026

Smt. Lali Devi W/o Late Shri Chhitar Mal, Aged About 60 Years,  
R/o Village Madau, Police Station Muhana, District Jaipur  
(Rajasthan) (At Present Confined In Central Jail Jaipur).

-----Petitioner

Versus

State Of Rajasthan, Through PP

-----Respondent

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|-------------------|---|---------------------------|
| For Petitioner(s) | : | Mr. Kunal Sharma          |
| For Respondent(s) | : | Mr. Vijay Singh Yadav, PP |

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**HON'BLE MR. JUSTICE ASHOK KUMAR JAIN**

**Order**

**01/05/2026**

1. The present 4th bail application under Section 483 of BNSS is filed by the applicant-accused **Smt. Lali Devi W/o Late Shri Chhitar Mal**, seeking bail in respect of a criminal case registered as FIR No.675/2024 dated 24.06.2024 registered at P.S. Muhana, District - Jaipur City (South), for the offence under Section 8/20 of NDPS Act.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in the matter and the investigation against her is complete and she is 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 applicant undertakes not to repeat offence and cooperate with trial, which will take time.

3. Learned counsel for the petitioner submits that three bail applications of the present petitioner were dismissed on earlier occasions and now he has filed this application only on the ground of period of custody and illness of the present petitioner. He also submits that the age of the present petitioner is more than 60 years and she is suffering from chronic illness and there is no one to look after her family.
4. Learned Public Prosecutor has vehemently opposed the bail application and submitted that the allegations are grave and serious in nature.
5. Heard learned counsel for the petitioner-accused and learned Public Prosecutor. Perused the material placed on record by both the parties.
6. On basis of information received by SHO, PS Muhana, District Jaipur (South) about storage of Ganja in Madau Village by present applicant and her son Shankar, SHO has searched the house of present applicant and total 39.100 Kgs Ganja was recovered from two gunny bags. After drawing the memo, FIR No. 675/2024 was registered at P.S. Muhana. After investigation, a charge-sheet has been filed against Lali Devi (present applicant), who is a 60 year old female.
7. The material suggests that four witnesses were examined so far and we have considered the evidence of all four witnesses. We have considered the treatment record of the present petitioner. The recovered quantity is of commercial in nature and without satisfaction under Section 37 of the NDPS Act, this Court cannot grant bail to the present petitioner. This court has considered details regarding

section 37 of the NDPS Act while dismissing second bail application on 02.12.2025. The observation from said order is reproduced as under:-

"7. After dismissal of first bail application with liberty to re-file after recording statement of search and seizure Officer and two independent witnesses, the instant bail application is filed by applicant. PW-1 Ansi and PW-2 Ram Lal were examined as seizure witness whereas PW-3 Madan Lal is Search and Seizure Officer and we have considered the statement of these three witnesses particularly their cross examinations. The recovered quantity is commercial quantity, though applicant is a female but still there can be no leniency particularly in cases relating to recovery of commercial quantity of narcotics.

8. In case of **State of Meghalaya vs Lalrintluanga Sailo 2024 INSC 537** Hon'ble Supreme Court after considering a 3 Judge bench judgment in case of **Customs, New Delhi vs Ahmadalieva Nodira (2004) 3 SCC 549** has observed that while considering bail in a commercial quantity something more than prima facie grounds as to be existed in favor of accused which contemplates substantial and probable cause for believing that accused is not guilty of the alleged offence. Considering the judgment in case of **State of Kerala vs Rajesh (2020) 12 SCC 122** it was held that broad parameters laid down by the Supreme Court has to be followed while considering an application for bail moved by an accused involved under the NDPS Act. After considering the legal provisions, the bail granted to Smt. "X" by the High Court was canceled and she was directed to surrender before the Trial Court.

9. In case of **NCB Vs. Mohit Agarwal (Criminal Appeal No. 1001-1002/2022)** a three Judge Bench of the Hon'ble Supreme Court while considering Section 37 of NDPS Act

has observed that the length of period of custody is not a ground to release accused on bail. Recently, a bail granted by a Co-ordinate Bench of the High Court of Delhi was under challenge before Hon'ble Supreme Court in case of **NCB Vs. Kashif 2024 INSC 1045** and while remitting back the matter, Hon'ble Supreme Court has observed that the provisions of NDPS Act are required to be interpreted while keeping in mind the scheme, object and purpose of the act along with the impact on society as a whole. It has to be interpreted literally and not liberally as that may ultimately frustrate the object and purpose of preamble of the Act. While considering the application for bail, the Court must bear in mind the provision of Section 37 of NDPS Act which is mandatory in nature.

10. In case of **Union Of India vs Ajay Kumar Singh @ Pappu Criminal appeal No. .... of 2023 (arising out of SLP (Criminal) No. 2351/2023)** Hon'ble Supreme Court while considering Article 21 of the Constitution of India and judgment in case of **Satender Kumar Antil vs Central Bureau Of Investigation (2022) SCC Online 825** has observed that bail granted to two accused persons does not seem to be good and sufficient reason who were involved in drug trafficking. In order dated 28.03.2023, Hon'ble Supreme Court not only set aside the bail order passed by the High Court of Judicature at Allahabad but observed that it is necessary to record prima facie finding on involvement of applicant-accused and in absence of recording satisfaction the grant of bail is erroneous."

8. Having considered the treatment record and other documents, this is not a fit case to grant bail to the petitioner as contraband in commercial quality is recovered from her home. Thus the period of incarceration or the

ground of illness are not sufficient to release the present petitioner on bail.

9. The facts and the material indicate that the alleged offence are of serious nature and role attributed to applicant is prima facie sufficient to consider complicity of applicant in the crime. Therefore, at this juncture, considering the evidence collected so far, this is not a fit case to enlarge the applicant accused on bail.
10. Considering the gravity of allegations and overall facts and circumstances of the case, it is appropriate to dismiss the bail application of the applicant accused at this stage.
11. Accordingly, the 4th application for bail filed under Section 483 of BNSS preferred by **Smt. Lali Devi W/o Late Shri Chhitar Mal** is hereby dismissed.
12. Learned trial Court is directed to expedite the trial and try to conclude the same within a period of one year from date of receipt of a copy of the order.
13. The Office is directed to send a copy of this order to the trial Court by E-mail.

(ASHOK KUMAR JAIN),J