

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous Bail Application No. 6177/2026

Akshya S/o Shri Suresh, Aged About 26 Years, R/o Sansi Basti, Chhawani, District Beawar (Raj.) (Presently Confined In District Jail At Beawar)

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

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

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

05/05/2026

1. The present bail application under section 483 of BNSS is filed by the applicant-accused **Akshya S/o Shri Suresh** seeking bail in respect of a criminal case registered as FIR No. 49/2026 dated 18.02.2026 registered at P.S. Beawar Sadar, District Beawar, for the offence under Section 8/21 NDPS Act and 112(2) of BNS.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in the matter and the investigation against him is complete and he is no more required in investigation. He further submits that there are no chance of fleeing of applicant-accused form the jurisdiction of this Hon'ble Court. He also submits that the accused undertakes not to repeat offence and cooperate with trial, which will take time.
3. Learned counsel for the petitioner submits that only at the instance of main accused Jawan Singh, the petitioner was arrayed

as an accused as an accomplice of Jawan Singh. He further submitted that a Coordinate Bench of this Court has already allowed bail application of Jawan Singh on 16.04.2026. He also submits that identically pleaded Laxmi Devi, Shanti Devi and Rameshwari Devi were also allowed on bail by a Coordinate Bench on 16.04.2026. He further submits that no recovery is effected from the petitioner and after investigation, a charge sheet has already been filed. He has also placed on record a copy of FIR No. 133/2025 dated 24.03.2025 registered at P.S. Beawar Sadar under Section 8/21 of NDPS Act.

4. Learned Public Prosecutor has vehemently opposed the bail application and submitted a report received from SHO P.S. Beawar City.

5. Heard learned counsel for petitioner-accused and learned Public Prosecutor. Perused the material placed on record by both the parties.

6. On 18.02.2026 SHO P.S. Beawar Sadar has detained Jawan Singh, acting in furtherance of secret information received from an informer and on search of Jawan Singh, recovered 27.77gm of Smack (Heroin) along with cash of ₹1,87,000/- (crime proceed), an FIR No. 49/2026 under Section 8/21 NDPS Act and 112(2) BNS was registered at P.S. Beawar Sadar. On the information of Jawan Singh, present petitioner was arrayed as an accused but no recovery is effected from the petitioner. After investigation police has already filed a charge sheet.

7. A Coordinate Bench of this Court has already allowed the bail applications of Jawan Singh, Laxmi Devi, Shanti Devi and Rameshwari Devi on 16.04.2026. There are criminal cases against

the petitioner and it includes one case under the NDPS Act registered as FIR No. 133/2025 and we have gone through the content of FIR, as a copy has been placed on record.

8. Upon hearing the arguments and perusing the record, we have found that the applicant-accused is no more required in the investigation and he is 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 applicant-accused.

9. Thus, the instant bail application filed on behalf of applicant-accused **Akshya S/o Shri Suresh**, is hereby allowed and the applicant-accused is ordered to be released on bail upon furnishing 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 applicant-accused shall not tamper with evidence or influence the witness in any manner.
- (ii) The applicant-accused shall not indulge in any criminal activity and shall not repeat any criminal offence punishable under the Law.
- (iii) The applicant-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 applicant-accused shall be liable to be canceled.

10. Before parting with the order, it is appropriate to notice that without any recovery, instant case has been registered against the petitioner that too only on the information of accused Jawan Singh as he claimed his distribution chain includes present petitioner as out of consignment, recovered from him, he is likely to deliver 1-2 gram of Smack to present petitioner, who indulged in sell of contraband/narcotics. The police report submitted by learned Public Prosecutor also mentioned following fact in very bold and big letters and we are referring the same as under:-

"अतः श्रीमान जी, फलतः प्रकरण के समस्त तथ्यों एवं परिस्थितियों को एवं मुख्य वांछित आरोपी ज्ञाना गुर्जर उर्फ विक्रम की गिरफ्तारी शेष होने से एवं नशा तस्करी की चैन श्रृंखला को तोड़ने के लिए एवं इनके नेटवर्क को खत्म करने के लिए मुलजिम अक्षय का जमानत आवेदन अस्वीकार फरमाने की कृपा करावें।"

It indicates that to name any person and forward to face trial, no legal evidence is required. It is not the concern of the police whether sufficient evidence is available or not.

11. We would like to point out the failure in the advise mechanism of prosecution before recommending a charge sheet against any person. There may be deficiency of evidence and the evidence is not sufficient to forward any person for trial, but would all aspects were considered in the instant case. The Trial Court is required to look into all these aspects at the stage of framing of charge and in case there is deficiency, certainly it warrant invocation of Section 273 of BNSS (corresponding Section 250 of Cr.P.C.) to award sufficient compensation to an innocent person,

not only to remain in custody but also to face unnecessary prosecution.

12. A copy of this order be sent to ACS Home and DGP Rajasthan for taking action at their end so that innocent persons may not suffer because of non-application of mind at grass-root level.

13. The Registry is directed to send a copy of this order to the Trial Court through E-mail.

(ASHOK KUMAR JAIN),J

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