

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous Bail Application No. 6499/2026

Suresh Kumar Gadhwal S/o Shri Gaurishankar Gadhwal, Aged About 32 Years, R/o Gadhwalo Ki Dhani, Habu Ka Baas, Village Kishanpura, P.s Govindgarh, Distt. Jaipur. (Presently Confined In Central Jail At Jaipur).

-----Petitioner

Versus

State Of Rajasthan, Through PP

-----Respondent

Connected With

S.B. Criminal Miscellaneous Bail Application No. 6712/2026

Mahesh Kumar Sharma S/o Sanwar Mal Sharma, Aged About 30 Years, R/o Ralway Station Ke Pass Gram Kishnapura, Police Station Govindgarh, District Jaipur, Raj. (At Present Confined In District Jail Jaipur)

-----Petitioner

Versus

State Of Rajasthan, Through Public Prosecutor.

-----Respondent

For Petitioner(s)	:	Mr. Anupam Sharma with Mr. Harshit Parashar Mr. Nagendra Sharma
For Respondent(s)	:	Mr. Vijay Singh Yadav, PP

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

06/05/2026

1. These bail applications under Section 483 of BNSS are filed by the applicants-accused **Suresh Kumar Gadhwal S/o Shri Gaurishankar Gadhwal & Mahesh Kumar Sharma S/o Sanwar Mal Sharma**, seeking bail in respect of a criminal case registered as FIR No.277/2025 dated

25.09.2025 registered at P.S. Bhankrota District - Jaipur (West), for the offence under Sections 8/22 of NDPS Act.

2. Learned counsel for the applicants submit that the applicants has been falsely implicated in the matter and the investigation against them is complete and they are no more required in investigation. They further submit that there are no chance of fleeing of applicants accused from the jurisdiction of this Hon'ble Court. They also submits that the applicants undertake not to repeat offence and cooperate with trial, which will take time.
3. Learned counsel appearing on behalf of the petitioners submitted that the police has not complied with mandatory provision under the NDPS Act before effecting search and seizure. They also submitted that it was mandatory for the police to provide an opportunity to be searched in presence of independent authority or the Magistrate, but no opportunity was provided to the accused. The counsels have further submitted that no recovery has been effected from any of the petitioners, and they are only arrayed as an accused on information which is not admissible under the Evidence Act.
4. Learned counsel appearing on behalf of petitioner accused Suresh Kumar Gadhwal has submitted that the allegation upon the present petitioner is that he is, in conspiracy with other accused, was in possession of intoxicating drugs and connivance with others co-accused Mahesh supplying drugs to accused Gograj and others. He further submitted that the present petitioner has been linked with the payment and on

basis of payment chain, the present petitioner was arrayed as an accused, but same is not proved from the evidence. He further submitted that there is no criminal antecedent against the petitioner.

5. Learned Counsel appearing on behalf of petitioner accused Mahesh has further submitted that there is no recovery effected from the possession of the present petitioner, but the only allegation against the petitioner is payment made from mobile / e-mitra shop. He also submits that the present petitioner is a public service provider and not aware about any of the transaction made for drugs purchase. He also submits that the role and involvement of the present petitioner is not established from any of the cogent material, but still he has been arrayed as an accused and currently, he is in custody.
6. Learned Public Prosecutor has vehemently opposed the bail application and submitted that the allegations are grave and serious in nature. He submits that a Co-ordinate Bench of this Hon'ble Court has already dismissed bail applications of Ankush Agarwal and Rajkumar. He has also filed a report received from concerned Police Station.
7. Heard learned counsel for the petitioner-accused and learned Public Prosecutor. Perused the material placed on record by both the parties.
8. The facts of FIR No. 277/2025 dated 25 September 2025 registered at PS Bhankrota, District Jaipur (West) for the offence under Section 8/22 of the NDPS Act were recorded by a Co-ordinate Bench of this Court in order dated

10.04.2026 while deciding bail applications of Abhiraj Singh, Sampat Singh, Ankush Agarwal and Rajkumar, and we are reproducing the same as under:-

"7. As per the facts on record, an FIR No.277/2025 has been registered at Police Station Bhankrota, District Jaipur (West) for offence punishable under Section 8/22 NDPS Act. As per the contents of FIR, on a secret information received by the Police, the Police made search of a house and found various tablets, capsules and three persons, namely, Abhiraj Singh, Sampat Singh and Ankush Agrawal were there in the house. They are not having the legal valid document for retaining those tablets and capsules. On weighing the tablets and capsules, it was found to be 8822.4 gram and therefore, the said contraband is much more than commercial quantity. During the course of investigation, it has also come out that the accused-Abhiraj Singh, Sampat Singh and Ankush Agrawal have purchased the said medicines containing narcotic drugs from one Rahul Agrawal by contacting him on his telephone number 70607-69423. During investigation, the accused-Abhiraj Singh, Sampat Singh and Ankush Agrawal deposed that the accused -Sampat Singh used to supply the drugs to one Gograj who is detained in jail on a demand from him by a call and message through mobile number 96805-44580 and on the demand made by Gograj who is confined in jail, they used to send the medicines/drugs through Nursing Officer-Rajkumar. There are mobile chats, call details and transaction details between the accused-petitioner -Rajkumar and Ankush Agrawal. The cell phone of accused-petitioner -Rajkumar has also been seized by the Police. On perusal of the charge-sheet and the evidence collected during investigation, the Court prima-facie finds substantial evidence as regards involvement and connectivity of the accused-petitioners with the alleged offence"

9. A Coordinate Bench of this Court has considered judgment of another Coordinate Bench of this Court in case of **Vijay**

Meena versus State of Rajasthan & Ors. (S.B. Criminal Writ Petition No.770/2026), decided on 10th April 2026 and further relied upon judgment in case of **Shakti Gurjar Vs. State of Rajasthan and Anr. (S.B. Criminal Mics. Bail Application No. 13814/2023)**, decided on 30th July 2024. After taking into consideration of overall facts and circumstances, the bail applications of accused were dismissed.

10. We have considered role and involvement of present petitioners Suresh Kumar Gadhwal and Mahesh Kumar Sharma by police in its report submitted to the Court and also perused the material placed by both the parties. The trial court, while dismissing bail application on 06.04.2026, has opined that the recovered quantity in the instant case is commercial and provision of Section 37 of NDPS Act is attracted. In case provision under Section 37 of NDPS Act is attracted, then without satisfaction of twin conditions as provided under Section 37 of the NDPS Act, a person cannot be granted bail.
11. Very recently, Hon'ble Supreme Court has considered the provision of Section 37 of NDPS Act and Article 21 of the Constitution of India in case of **State of Punjab versus Sukhwinder Singh @ Gora:2026 INSC 411**.
12. Having taken note of the facts and circumstances that the drug syndicate was operated for supply of intoxicating drugs not only to individuals but also to jail inmates, therefore, the act, whether transfer of money or otherwise, is a serious act, as both the accused have one criminal case each against

each other. Therefore, the act of these petitioners are not such that the Court may consider their bail application at this stage.

13. 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.
14. 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.
15. Accordingly, the applications for bail filed under Section 483 of BNSS preferred by the applicants-accused **Suresh Kumar Gadhwal S/o Shri Gaurishankar Gadhwal & Mahesh Kumar Sharma S/o Sanwar Mal Sharma** are hereby dismissed.

(ASHOK KUMAR JAIN),J