

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous Bail Application No. 5751/2026

Mahendra Saini S/o Chandra @ Ramchandra Saini, Aged About 40 Years, R/o Nirbala, Tan Bhakri, Police Station Pragpura, District Kotputli-Behror (Rajasthan) (At Present In Sub Jail Kotputli)

-----Petitioner

Versus

The State Of Rajasthan, Through Pp

-----Respondent

Connected With

S.B. Criminal Miscellaneous Bail Application No. 6329/2026

Tinku Kumhar S/o Shri Nathuram Kumhar, Aged About 35 Years, R/o Lakheron Ka Mohalla, Pragpura, Police Station Pragpura, District Kotputli-Behror (Raj.) (At Present Confined In District Jail At Kotputli).

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s)	:	Mr. Shyam Bihari Gautam Mr. Gaurav Gupta
For Respondent(s)	:	Mr. Vijay Singh Yadav, PP

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

08/05/2026

1. These bail applications under Section 483 of BNSS are filed by the applicants-accused **Mahendra Saini S/o Chandra @ Ramchandra Saini and Tinku Kumhar S/o Shri Nathuram Kumhar**, seeking bail in respect of a criminal case registered as FIR No.115/2026 dated 17.03.2026

registered at P.S. Pragpura, District - Kotputli-Behror, for the offence under Sections 8/21 and 8/22 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. They further submit that there are no chance of fleeing of applicants accused from the jurisdiction of this Hon'ble Court and the applicants do not have any criminal antecedents. They also submits that the applicants undertake not to repeat offence and cooperate with trial, which will take time.
3. Learned counsel for the petitioners submit that the police has not followed and complied the mandatory provisions under the NDPS Act before effecting search and seizure and same is violative under the law. He also submits that the petitioner Mahendra Saini was not afforded any opportunity to be searched in presence of a Magistrate. They also submit that there is no evidence to connect the petitioner accused with the alleged recovery of intoxicating drugs.
4. Learned counsel appearing on behalf of accused petitioner Mahendra Saini while referring notification dated 26th April 2018 submits that the recovery of quantity up to 250 grams is non-commercial and in the instant case, the recovered quantity is maximum up to 122 grams.
5. Learned counsel appearing on behalf of accused petitioner Tinku Kumar has submitted that there is no recovery from possession of the present petitioner and only on basis of confessional statement of Mahendra Saini recorded in police

custody and made by accused Mahendra Saini, the present petitioner was arrayed as an accused. He also submitted that there is no direct or indirect evidence to show involvement of the present petitioner in alleged trade of intoxicating drugs.

6. Learned Public Prosecutor has vehemently opposed the bail applications and submitted that the allegations are grave and serious in nature.
7. Heard learned counsel for the parties and learned Public Prosecutor. Perused the material placed on record by both the parties.
8. On 17th March 2026, SHO, PS Paragpura, District Kotputli-Behror, has intercepted Mahendra Saini in suspicious condition and on search has found 168 capsules of Dicyclomine Hydrochloride, Tramadol Hydrochloride Acetaminophen Capsules PROXYCO SPAS and Dicyclomine, Tramadol HCL Acetaminophen Capsules PROXYCO SPAS. After seizure, an FIR No. 115/2026 dated 17th March 2026 under Sections 8/21 and 8/22 of NDPS Act was registered. On basis of information given by Mahendra Saini that Tinku Kumar has supplied these drugs to him, another petitioner, Tinku Kumar, was arrested under Section 8/29 of NDPS Act.
9. The recovered quantity, as per police, is 122 gram and same is less than commercial quantity. There is no criminal antecedent against petitioner accused Mahendra Saini but three criminal cases were registered against petitioner accused Tinku Kumar, though, no detail has been provided by police in its report. The trial court has also not mentioned

the details about the criminal case registered against petitioner accused Tinku Kumar.

10. 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.
11. Thus, the instant bail applications filed on behalf of applicants-accused **Mahendra Saini S/o Chandra @ Ramchandra Saini and Tinku Kumhar S/o Shri Nathuram Kumhar**, 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.

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

(ASHOK KUMAR JAIN),J