

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous Bail Application No. 6394/2026

Barkat Khan S/o Hussain Khan, Aged About 25 Years, R/o Village Sevadi, Police Station Bagoda, District Jalore. (At Present Accused Petitioner Confined In Central Jail Ajmer).

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s)	:	Ms. Saroj Kumari Trivedi
For Respondent(s)	:	Mr. Vijay Singh Yadav, PP

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

08/05/2026

1. The present bail application under Section 483 of BNSS is filed by the applicant-accused ***Barkat Khan S/o Hussain Khan,*** seeking bail in respect of a criminal case registered as FIR No. 88/2026 dated 10.04.2026 registered at P.S. Madanganj, District-Ajmer for the offence under Sections 8/22 of NDPS Act.
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. She further submits that there are no chance of fleeing of applicant accused from the jurisdiction of this Hon'ble Court. She also submits that the applicant undertakes not to repeat offence and cooperate with investigation/trial, which will take time.

3. Learned counsel for the applicant submits that no recovery has been effected at the instance of the present applicant, as he was not present at the spot. She further submits that recovery of 47.9 grams of MD was effected from Mamta Kanwar, who is in custody. She also submits that the present applicant has been arrayed as an accused under Section 29 of the NDPS Act. She further submits that there is no evidence on record to show that the present applicant was ever dealing with Mamta Kanwar or with any other accused from whom the recovery was effected. She also submits that the police have shown four criminal cases against the applicant. Out of these, one case has already resulted in acquittal.

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 10.04.2026, the SHO, Police Station Madanganj, District Ajmer, intercepted vehicle No. RJ-01-CA-5077, which was being driven by Saleem and accompanied by Vikram Singh and Mamta Kanwar. Upon search, 47.09 grams of MD was recovered from purse of Mamta Kanwar. The police arrested Saleem, Vikram and Smt. Mamta Kanwar (wife of Vikram) for offences under Sections 8/22 of the NDPS Act. During investigation, they informed the police that the contraband had been procured from Ramesh Mali, who had procured the same from another person.

The police identified and arrested Ramesh Mali and Barkat Khan. The police further identified Suresh and Devendra as part of the source of supply of the contraband. Ramesh Kumar had filed a bail application, which was dismissed on 05.05.2026 with liberty to file a fresh application after submission of the charge-sheet.

7. The police report suggests that four criminal cases were registered against the applicant, out of which one case, being Sessions Case No. 47/2020 arising out of FIR No. 102/2020, has already resulted in acquittal. A claim is also made regarding disposal of another case. There is no recovery from the possession of the present applicant and, except for his alleged implication, there is no case against him under the NDPS Act. The accused persons from whom the recovery was effected have not named the present applicant as the source. The contraband recovered has been described as MD. The recovery was effected from Mamta Kanwar in the presence of her husband Vikram and the driver Saleem. pThe only evidence on record is the statement under Section 23 of the Bharatiya Sakshya Adhinyam, as there is no recovery pursuant to any information furnished by the present applicant.

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 ***Barkat Khan S/o Hussain Khan***, 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. The Registry is directed to send a copy of this order to the Trial Court through E-mail.

(ASHOK KUMAR JAIN),J