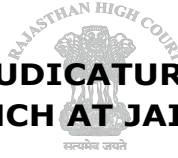




**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Criminal Miscellaneous 2nd Bail Application No. 6702/2026

Rahul Rathore S/o Vishnu Lal, Aged About 24 Years, Resident Of Sanoriya/ Sinduriya, Police Station Sunel, District Jhalawar (Raj.)
(At Present Confined In Sub-District Jail, Bhawani Mandi District Jhalawar (Raj.))

-----Petitioner

Versus

State Of Rajasthan, Through PP

-----Respondent

For Petitioner(s)	:	Mr. Rohit Khandelwal
For Respondent(s)	:	Ms. Arti Sharma, PP

HON'BLE MR. JUSTICE ANIL KUMAR UPMAN

Order

04/05/2026

1. This second bail application under Section 483 BNSS has been filed on behalf of the petitioner, who has been arrested in connection with FIR No.70/2025 registered at Police Station Sunel, District Jhalawar (Raj.) for offence punishable under Section 8/15 of the NDPS Act.
2. The first bail application filed on behalf of the petitioner was dismissed as withdrawn by this Court vide order dated 15.01.2026 while giving liberty to renew the prayer for bail after recording the testimony of Investigating Officer. Now, Investigating Officer has been examined during the course of trial, thus, this second bail application has been filed on behalf of the petitioner.
3. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. Counsel submits that



petitioner was not present at the time of recovery of contraband and same has been recovered from the possession of the co-accused who allegedly disclosed that contraband was provided to him by the petitioner. Counsel submits that it has been admitted by the Investigating Officer that the contraband was recovered from a field and as per the revenue record, the said field is in the name of petitioner's father. Counsel submits that it is the case of the prosecution that the petitioner was in possession of the place from where the alleged recovery was affected as per information provided by the father of the petitioner. Counsel submits that admittedly, father of the petitioner is neither a witness nor an accused in the present case. Counsel further submits that co-accused who was found in possession of the contraband has already been granted benefit of bail by this Court. It is submitted that there are no criminal antecedents against the petitioner and trial will take considerable time in its conclusion. Counsel submits that the petitioner is in custody since 19.09.2025 and further custody of the petitioner would not serve any fruitful purpose.

4. Learned Public Prosecutor opposes the submissions advanced on behalf of the petitioner. She submits that considering the recovery of commercial quantity of contraband, the petitioner does not deserve indulgence of bail in view of Section 37 of the NDPS Act.

5. It is settled that Section 37 of the NDPS Act does not impose an absolute embargo on grant of bail. While considering bail, the Court is not required to record a positive finding of innocence; rather, it must assess, prima facie, whether the accused may not



be guilty, upon a reasonable and broad evaluation of the material on record. Meticulous examination of evidence is not warranted at this stage.

6. I have considered the contentions.

7. Having regard to the totality of the facts and circumstances of the case; considering the arguments advanced by both the parties, especially considering the material available on record, as also the fact that the petitioner was not present at the time of recovery of contraband and according to the revenue record, alleged field is not in the name of the petitioner, so also the fact that co-accused who was found in the possession of the contraband has already been granted benefit of bail by this Court, there are no criminal antecedents against the petitioner and trial will take considerable time in its conclusion as well as looking to the custody period, but without commenting anything on the merits/demerits of the case, this Court deems it proper to allow the second bail application.

8. This second bail application is accordingly allowed and it is directed that accused-petitioner **Rahul Rathore S/o Vishnu Lal** shall be released on bail provided he furnishes a personal bond in the sum of Rs.5,00,000/- together with two sureties in the sum of Rs.2,50,000/- each to the satisfaction of the learned trial Court with the stipulation that he shall appear before that Court and any Court to which the matter is transferred, on all subsequent dates of hearing and as and when called upon to do so.

9. It is made clear that the accused-petitioner shall not involve in any other offence(s) during currency of the bail and he shall



mark his presence in first week of every month in the concerned police station, till conclusion of the trial.

10. Concerned SHO shall enter attendance of the petitioner in the Roznamcha. In case the petitioner fails to mark his presence in the concerned police station, the concerned SHO is directed to immediately report the matter to the concerned Court in this regard.

11. If any breach of these conditions is reported or come to the notice of the Court, the same shall alone be a reason for the trial Court to cancel the bail granted to him by this Court.

12. Office is directed to send a copy of this order to the concerned SHO for necessary compliance.

13. The observations made hereinabove are only for decision of the bail application and would not have any impact on the trial of the case in any manner.

(ANIL KUMAR UPMAN),J