

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous Bail Application No. 7149/2026

Krishangopal S/o Harlal, Aged About 43 Years, R/o Village Ringnot, Police Station Borada, District Ajmer (Raj.) (At Present In Central Jail, Ajmer).

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s)	:	Mr. Rajesh Sharma with Ms. Kamini Pareek
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 **Krishangopal S/o Harlal**, seeking bail in respect of a criminal case registered as FIR No.26/2026 dated 09.03.2026 registered at P.S. Borada, District - Ajmer, for the offence under Sections 8/18 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. He further submits that there are no chance of fleeing of applicant accused from the jurisdiction of this Hon'ble Court. He also submits that the applicant undertakes not to repeat offence and cooperate with trial, which will take time.

3. Learned counsel for petitioner submits that the petitioner was arrested on the charge of illegal cultivation of poppy though there is no evidence that the poppy plants were cultivated by the petitioner. He also referred orders dated 01.04.2021 passed in **S.B. Criminal Misc. Bail application No. 4007/2021; Bhagirath Ram Vs. State of Rajasthan** and dated 23.05.2024 in **Second Bail Application No. 6376/2024; Guman Singh Vs. State of Rajasthan**, decided by a Co-ordinate bench at Principal Seat Jodhpur and submitted that illegal cultivation of poppy would fall under Section 18(c) of the NDPS Act and the maximum punishment is up to 10 years.
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 08.03.2026, SHO, Police Station Borada, District Ajmer, has received information about illegal cultivation of poppy by the present petitioner and on information, he has reached the field of the present petitioner and found that poppy plants were cultivated without any permission. The present petitioner was detained and an FIR No.26/2026 dated 09.03.2026 was registered at PS Borada, District Ajmer under Section 8/18 of the NDPS Act.
7. The issue pertains to illegal cultivation of poppy plants which is a punishable offence under Section 18(c) of the NDPS Act.

In case of **Bhagirath Ram Vs. State of Rajasthan (supra)** and **Guman Singh Vs. State of Rajasthan and others (supra)**, a Co-ordinate Bench after considering the legal position has granted bail to a person who was charged for the offence of cultivation of poppy plant, observing that Section 37 of the NDPS Act is not attracted in such cases.

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 **Krishangopal S/o Harlal**, 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