

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous 2nd Bail Application No. 8264/2026
URN: CRLMB / 15068U / 2026

1. Fardeen S/o Mohammad Hanif, Aged About 22 Years, R/o House No. 1377, Lal Harkachand Ka Rasta, Kishan Ka Kund, Subhash Chouk Brampuri Tripoliya Bazar, Police Station Subhash Chauk, Jaipur (North (Raj.)) (Presently Confined In District Jail At Jhalawar).
2. Mohammad Aawej @ Aawesh @ Mama S/o Mohammad Ayub Qureshi, Aged About 20 Years, R/o 623/3, Jiyaudin Colony Gali No. 05, Char Darwaja Bahar Ramganj Bazar, Police Station Ramganj, Jaipur North (Raj.) (Presently Confined In District Jail At Jhalawar).

----Petitioners

Versus

State Of Rajasthan, Through PP

----Respondent

For Petitioner(s)	:	Mr. Narsi Prasad Sharma
For Respondent(s)	:	Mr. Amit Kumar Gupta, Addl. GA cum PP

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

(Through Video Conferencing)

Order

06/07/2026

1. The instant 2nd bail application under Section 483 of BNSS is filed by the applicants-accused **Fardeen S/o Mohammad Hanif and Mohammad Aawej @ Aawesh @ Mama S/o Mohammad Ayub Qureshi**, seeking bail in respect of a criminal case registered as FIR No.68/2026 dated 16.03.2026 registered at P.S. Jhalra Patan District -

Jhalawar, for the offence under Sections 8/21 and 8/29 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. 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 applicants undertake not to repeat offence and cooperate with trial, which will take time.
3. Learned counsel for the petitioners has submitted that first bail application of the petitioner was dismissed as withdrawn on 05-05-2026, and now a charge-sheet has already been filed. He also submitted that as per prosecution, police has recovered 105 gram of smack from Fardeen and 128 grams smack from Mohammad Aawesh @ Mama. The police has not complied the mandatory provision under the NDPS Act before effecting search and seizure. He further referred the material available on record and submitted that not a single criminal case was registered against these petitioners, who are in custody since their arrest on 16 March 2026 and now a charge sheet has already been filed.
4. Learned Public Prosecutor has vehemently opposed the bail applications and submitted that the allegations are grave and serious in nature.
5. Heard learned counsel for the petitioners and learned Public Prosecutor. Perused the material placed on record by both the parties.

6. On 16 March 2026, SHO PS Jhalra Patan, District Jhalawar, has intercepted a bus on the basis of certain information and detained both the petitioners from a public transport bus. After serving them a notice, she has effected search and recovered 105 gram of smack (heroin) from possession of Fardeen and 128 gram smack (heroin) from possession of Mohammad Aawesh @ Mama. On basis of recovery memo, an FIR No.68/2026 under Sections 8/21, 8/29 of NDPS Act was registered. Both the petitioners were arrested and charge sheet has already been filed. As per police report and order of the trial Court, no other criminal case was registered against the petitioners. The recorded quantity is less than commercial quantity.
7. 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.
8. Thus, the instant 2nd bail application filed on behalf of applicants-accused **Fardeen S/o Mohammad Hanif and Mohammad Aawej @ Aawesh @ Mama S/o Mohammad Ayub Qureshi**, is hereby allowed and the applicants-accused are ordered to be released on bail with condition that each of the petitioners 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.

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

(ASHOK KUMAR JAIN),J