

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous Bail Application No. 10873/2025

Premaram S/o Purkharam, Aged About 33 Years, R/o Budkiya,
Police Station Bhopalgarh, District Jodhpur (Rajasthan) (At
Present Confined In Central Jail Kot, District Kota).

---Accused-Petitioner/Applicant

Versus

State Of Rajasthan, Through PP

----Respondent

For Petitioner(s)	:	Ms. Anushree Sharma
For Respondent(s)	:	Mr. J.P. Tiwari, PP

HON'BLE MR. JUSTICE SAMEER JAIN

Order

18/03/2026

1. The instant bail application has been filed under Section 483 BNSS on behalf of accused-applicant. The accused-applicant was arrested in connection with FIR No. 178/2023 registered at Police Station Mandana District Kota Rural for the offence(s) under Sections 8, 15, 29 of NDPS Act, 1985.
2. Learned counsel for the accused-applicant has submitted that the applicant is behind bars ever-since 21.10.2023, making him to be in custody for approximately two and a half years. It is submitted that quantity recovered is 140 Kgs of poppy husk and the commercial quantity is 50 Kgs as per the NDPS Act. It is further submitted that the applicant is willing to abide the conditions as he is in pitiable situation and sole bread earner of the family, surviving with wife, two children and old parents. It is submitted that charge-sheet has been filed and trial will take its own time. Learned counsel for the applicant has relied upon

Hon'ble Apex Court judgments title **ShambhuLal Gurjar @ Rohit Vs. State of Rajasthan: Special Leave to Appeal (Crl.) No(s).16671/2024** and **Devendra Kumar Mishra @ Bade Guru Vs. The State of Madhya Pradesh: Special Leave to Appeal (Crl.) No.14639/2023** wherein under similar situation, taking note of the antecedents as well as the custody period, in cases of commercial quantity, the applicants were enlarged.

3. *Per contra*, learned Public Prosecutor has opposed the instant bail application. It is contended that rigorous of Section 37 of NDPS Act are attracted wherein till *prima facie* case is made out, bail should not be granted. It is submitted that the applicant is social threat as five criminal antecedents are reflected against him.

4. Heard and considered.

5. Considering the overall facts and circumstances, keeping in view the pitiable situation of the applicant, as he is sole bread earner for a family of five; that the applicant has been in custody since 21.10.2023; that charge sheet has been filed; that procedural violation as argued in the NDPS Act and keeping in mind the ambit of provisions of Sections 50 and 52 of the NDPS Act, and ratio passed in **Devendra Kumar Mishra @ Bade Guru (supra)** and taking overall view, but without commenting upon the merits/demerits of the case, this Court is inclined to enlarge the accused-applicant on bail.

6. Accordingly, the bail application under Section 483 BNSS is **allowed** and it is ordered that accused-applicant **Premaram S/o Purkharam** shall be enlarged on bail provided he furnishes a personal bond of Rs.50,000/- with two sureties of Rs.25,000/-

each to the satisfaction of learned trial Judge for his appearance before the court concerned on all the dates of hearing as and when called upon to do so.

(SAMEER JAIN),J

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