

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous Bail Application No. 11161/2025

Arjun S/o Sanju Kumar, Aged About 21 Years, R/o Ramnagar Mohalla Aklera District Jhalawar Rajasthan. (At Present Confined At Central Jail Kota).

-----Petitioner

Versus

C.B.N., Through Special Pp

-----Respondent

For Petitioner(s)	:	Mr. B. N. Sandu with Mr. Abhimanyu Singh Sandu
For Respondent(s)	:	Mr. Tej Prakash Sharma, Spcl. P. P.

HON'BLE MR. JUSTICE SAMEER JAIN
Order

23/03/2026

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. 2/2025 registered at Police Station C.B.N. D.D.O. Kota for the offence(s) under Sections 8/21, 25(c) of NDPS Act.
2. Learned counsel for the accused-applicant submits that the applicant is in custody since 01.08.2025 and that there are no no criminal antecedents registered against the applicant. It is submitted that charge-sheet has already been filed. It is further submitted that the quantity recovered of the contraband i.e., *heroin* is slightly higher than the prescribed commercial quantity. It is also submitted no *prima facie* case is made out against the applicant, as there is no physical recovery from the applicant and two other persons were also accompanying the applicant. Lastly, it

is submitted that the said contraband was recovered from the car and not from the direct possession of the applicant.

3. *Per contra*, learned Special Public Prosecutor has vehemently opposed the bail application. It is submitted that the present is a case where contraband recovered is higher than the prescribed the commercial quantity and provisions enshrined under Section 37 of the NDPS Act would be attracted. It is further submitted that the defence taken by learned counsel for the applicant is nothing but an afterthought. It is also submitted that there exist financial transactions between the co-accused and the applicant, therefore, the concession of bail should not be granted to the applicant.

4. Having heard the arguments advanced by the learned counsel for the parties and considering the fact that recovered quantity of the contraband is more than the prescribed commercial quantity; that rigours of Section 37 of the NDPS Act would be applicable in the present case; that there exist financial transactions between the co-accused and the applicant; and looking to the overall facts and circumstances of the case and material on record but without commenting on merits/demerits of the case, this court is not inclined to allow the bail application of the accused-applicant.

5. Accordingly, the bail application under Section 483 BNSS is dismissed.

(SAMEER JAIN),J