

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous Bail Application No. 13959/2026
CNR: RJHC020861182026 | URN: CRLMB / 25809U / 2026

Babulal @ Shyam Sundar S/o Shri Kaisra Mali, Aged About 55 Years, R/o Gehlod, Tehsil Peeplu, District Tonk (Rajasthan)
Presently Confined In District Jail Tonk.

----Petitioner

Versus

The State Of Rajasthan, Through Pp

----Respondent

For Petitioner(s)	:	Mr. Mohit Balwada, Adv. Mr. Aditya Raj, Adv. Mr. Harendra Singh Meena, Adv.
For Respondent(s)	:	Mr. Jitendra Singh Rathore, PP

HON'BLE MR. JUSTICE FARJAND ALI

Order

03/09/2026

1. The jurisdiction of this Court has been invoked by way of filing an application under Section 483 BNSS at the instance of accused-petitioner. The requisite details of the matter are tabulated herein below:

S.No.	Particulars of the Case	
1.	FIR Number	105/2026
2.	Concerned Police Station	Peeplu
3.	District	Tonk
4.	Offences alleged in the FIR	Under Sections 8/20 of NDPS Act
5.	Offences added, if any	-
6.	Date of passing of impugned order	14.08.2026

2. It is contended on behalf of the accused-petitioner that no case for the alleged offences is made out against him and his

incarceration is not warranted. There are no factors at play in the case at hand that may work against grant of bail to the accused-petitioner and he has been made an accused based on conjectures and surmises.

3. Contrary to the submissions of learned counsel for the petitioner, learned Public Prosecutor opposes the bail application and submits that the present case is not fit for enlargement of accused on bail.
4. I have considered the submissions made by both the parties and have perused the material available on record.
5. This Court has already dealt with the provision involved in the present case, i.e., Section 20 of the NDPS Act, in detail in the case of **Shrawan Lal Meena v. State of Rajasthan** [S.B. Criminal Miscellaneous Bail Application No. 11230/2022]. For ready reference, the relevant paragraphs of the judgment are reproduced herein below:-

4. Heard. Perused the material available on record. The case of the prosecution is that the petitioner was cultivating ganja plants in his field and the quantity of the recovered plants is well above the commercial limit specified for contraband ganja. Section 2 of the NDPS Act contains the definitions and clause (iii) of the same defines what "cannabis (hemp)" means through three sub-clauses. The sub-clause (b) of clause (iii) defines 'ganja' as " the flowering or fruiting tops of the cannabis plant (excluding the seeds and leaves when not accompanied by the tops), by whatever name they may be known or designated". Sub- clause (viia) of Section 2 of the NDPS Act defines "commercial quantity" as any quantity greater than the quantity specified by the Central Government by notification in the Official Gazette, in relation to narcotic drugs and

psychotropic substances. The notification in effect that specifies small and commercial quantity for narcotic drugs and psychotropic substances is S.O. 1055 (E) dated 19th October, 2001 published in the Gazette of India, Extra., Pt. II Sec. 3(ii) dated 19th October, 2001 and the commercial quantity specified therein for ganja is 20 kgs. As averred, for the purpose of determining the total weight of the recovered contraband ganja, the whole plants were taken into consideration, including the seeds and leaves whereas only the flowering or fruiting tops of the cannabis plants should have been taken for weighing of contraband ganja as per the defining clause under NDPS Act. As there was no bifurcation of seeds and leaves from the flowering or fruiting tops before weighing the recovered contraband and the total weight of the recovered contraband is 10.900 kgs above the commercial quantity, it is safe to infer that the actual weight of recovered ganja would be less than the claimed weight and therefore, below the stipulated commercial quantity.

The cultivation of "any cannabis plant" is prohibited and made an offence under sub-clause (b) of Section 8 of the NDPS Act. Further, it is imperative to mention Section 20 of the NDPS Act, which discusses the punishment for contravention in relation to cannabis plant and cannabis. Contravention of provisions of the NDPS Act by cultivation of any cannabis plant is covered in clause (a) of Section 20 and contravention by production, manufacture, possession, sale, purchase, transportation, import inter-state, export inter-state or use of cannabis is covered under clause (b) of Section 20. For the contravention contained in clause (b), punishments have been particularised as per the quantities, namely small, intermediate and commercial quantities in sub-clause (i) but for the contravention contained in clause (a), maximum punishment for a term of ten years rigorous imprisonment has been prescribed without any specification of quantities. Thus, the corresponding punishment-prescribing provision for offence under Section 8(b), relating to cannabis plant, would be Section 20(a)(i).

Grant of bail for offences stipulated in the NDPS Act is interdicted by the provisions of Section 37. Section 37 states that any person who is accused of an offence under Sections 19, 24 or 27A and of an offence involving commercial quantity cannot be granted bail. Neither the offence in the present case is covered by Sections 19, 24 or 27A of the NDPS Act and nor does the recovered ganja fall in the category of commercial quantity. Therefore, it can be safely inferred from the above observations that the petitioner need not face the rigour of Section 37 with regard to provision of bail in the present case.

Considering the arguments advanced by the counsel for the parties and looking to the possibility that the trial may take long time to conclude, this court deems it just and proper to enlarge the petitioner on bail.

5.1 In view of the aforesaid judgment and having regard to the fact that there is high probability that the trial may take long time to conclude. In light of these facts and circumstances, it is deemed suitable to grant the benefit of bail to the petitioner in the present matter.

6. Accordingly, the instant bail application under Section 483 BNSS is allowed and it is ordered that the accused-petitioner as named in the cause title shall be enlarged on bail provided he furnishes a personal bond in the sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the learned trial Judge for his appearance before the court concerned on all the dates of hearing as and when called upon to do so.

(FARJAND ALI),J