

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No.6650/2025

Shankar Lal Son Of Shri Nathu Ram Muwal, Aged About 60 Years, Resident Of Sherpura, Tehsil Dantaramgarh, District Sikar (Rajasthan).

-----Petitioner

Versus

1. State Of Rajasthan, Through P.p.
2. The Superintendent Of Police, District Sikar (Raj).
3. The Station House Officer (I.O.) Police Station Dantaramgarh, District Sikar (Rajasthan).
4. Kailash Chand, Sub- Inspector, The Station House Officer, Police Station Ranoli, District Sikar (Rajasthan).

-----Respondents

For Petitioner(s)	:	Mr. Anoop Pareek Mr. Kshitiz Sharma
For Respondent(s)	:	Mr. Amit Kumar Gupta, PP

JUSTICE ANOOP KUMAR DHAND

Order

11/11/2025

1. By way of filing this criminal misc. petition, a challenge has been made to the impugned FIR No.153/2025 registered with Police Station Ranoli, District Sikar for the offences under Section 8/20 of the NDPS Act, 1985.
2. Learned counsel for the petitioner submits that as per the allegations made in the FIR, certain plants of contraband *ganja* were found on the certain land and the petitioner has no concern whatsoever with the aforesaid land. Learned counsel submits that without verifying from the revenue records about the ownership of the petitioner on the subject land, straightaway the FIR has been

registered against him with the above stated allegations. Learned counsel submits that Sarpanch of the Gram Panchayat, Sujawas has certified this fact by issuing a certificate in this regard. Learned counsel submits that even a notice under Section 91 of the Rajasthan Land Revenue Act has been issued to the petitioner by treating him as encroacher on the subject land. Learned counsel submits that the subject land is a pasture land and the petitioner has no concern whatsoever with the aforesaid land, hence, interference of this Court is warranted.

3. *Per contra*, learned Public Prosecutor opposes the prayer made by learned counsel for the petitioner and submits that the contents of the FIR reveals that the alleged offences are cognizable, which are required to be investigated by the Investigating Agency, hence, interference of this Court is not warranted.

4. Having regard to the facts and circumstances of the case, this Court is of the view that the allegations made in the FIR are subject matter of the investigation and the same cannot be quashed by this Court under its inherent jurisdiction under Section 528 BNSS.

5. However, the petitioner would be at liberty to approach the Investigating Officer by way of filing a representation, who shall consider the same strictly in accordance with law.

6. The Investigating Officer is directed to consider the averments of the same and in case, he comes to the conclusion that a cognizable offence is made out against the petitioner, then he shall ensure the compliance of the mandatory provisions contained under Section 35 of the BNSS.



7. With the aforesaid observations, the instant criminal misc. petition stands disposed of. The stay application and all pending applications, if any, also stand disposed of.

(ANOOP KUMAR DHAND),J

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