

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous Bail Application No. 14236/2025

Laxman Singh S/o Shri Vijay Singh, Aged About 55 Years,
Resident Of Rajputo Ka Mohalla, Gram Kherabad Tehsil
Hamirgarh, District Bhilwara, Rajasthan. (Presently Confined In
District Jail, Sikar)

---Accused-Petitioner

Versus

Narcotic Control Bureau, Through Public Prosecutor

----Respondent

For Petitioner(s)	:	Mr. Ghan Shyam Singh Rathore
For Respondent(s)	:	Mr. Tej Prakash Sharma, Spl. PP through VC with Mr. Vaibhav Jhankra

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. P&L/DEL/Seizure/02/2025 registered at Police Station Central Narcotics Bureau, New Delhi for the offence(s) under Sections 8/18(B), 8/29 of NDPS Act, 1985 and the learned Trial Court amidst the offences under Sections 8/18, 25 and 29 of NDPS Act dismissed the bail application before it.
2. Learned counsel for the accused-applicant has submitted that the applicant aged around 56 years and is touching the age bar of senior citizen. It is submitted that the applicant is sole bread earner of the family, and that he is in custody since 05.04.2025. It is further submitted that the quantity of the

contraband opium recovered is 2.593 kilograms which is approximately 93 grams more than the prescribed commercial quantity. It is submitted that charge-sheet has been filed in the instant matter and trial will take its own time. It is fairly conceded that there is one criminal antecedent registered against the applicant which is not of NDPS Act. Learned counsel while praying for the grant of bail to the applicant has relied upon orders passed by Co-ordinate Bench of this Court as in **S.B. Criminal Misc. Bail Application No.5061/2025** titled **Shyam Lal Vs. The State of Rajasthan, S.B. Criminal Misc. Bail Application No.2880/2024** titled **Suresh Teli Vs. State of Rajasthan, S.B. Criminal Misc. Bail Application No.11202/2024** titled **Parwat Singh Vs. State of Rajasthan** and **S.B. Criminal Misc. Bail Application No.13295/2025** wherein under identical facts and circumstances, considering that the recovered contraband is marginally above the commercial quantity, the applicant(s) therein, have been enlarged on bail.

3. *Per contra*, learned Special Public Prosecutor, Mr. Tej Prakash Sharma appearing via VC has stoutly opposed the instant bail application and submitted that even if the contraband recovered is marginally above the commercial quantity, the same shall be covered by provisions of Section 37 of the NDPS Act. It is submitted that *prima facie* no offence is to be made out, which is not the present case. Learned counsel has relied upon the ratio encapsulated in **Nisha Devi v. State of H.P.: Cr.MP(M) No. 143 of 2026**.

4. Heard and considered.

5. Considering the overall facts and taking note of the fact that the applicant is aged around 56 years and is touching the age bar of senior citizen; that the applicant is sole bread earner of the family; that he is in custody since 05.04.2025; that the recovered contraband is slightly above the commercial quantity i.e. 93 grams above; that charge-sheet has been filed and trial will take its own time and looking to the overall facts and circumstances, but without commenting upon the merits/demerits of the case, this Court is inclined to enlarge the accused-applicant on bail subject to a condition that:-

5.1 The accused shall provide his current contact number and residential address to the Investigating Officer (IO)/ Jr. Investigating Officer (JIO) and shall keep the location tracking application on his mobile device enabled at all times.

5.2 The accused shall remain present before the Trial Court on each and every date of hearing without fail.

5.3 In case of any change in residential address, the accused shall notify the learned Trial Court through an affidavit and simultaneously inform the Investigating Officer.

5.4 The accused shall not leave the territorial jurisdiction of India without prior permission of the Trial Court. He shall deposit his passport with the Trial Court forthwith.

5.5 The accused shall not, directly or indirectly, tamper with the evidence or attempt to influence any witnesses in any manner.

5.6 If it is found that the accused has committed a similar offence during the bail period, the bail granted shall stand cancelled forthwith.

5.7 The accused shall mark his physical attendance at the nearest NCB (Narcotics Control Bureau) office every 7/15/30 days, as may be directed by the Trial Court.

6. Accordingly, the bail application under Section 483 BNSS is **allowed** and it is ordered that accused-applicant **Laxman Singh S/o Shri Vijay Singh** 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