HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 357/2025

Dheeraj Singh S/o Shri Bhagwan Singh, Aged About 45 Years, R/o Soli P.s. Arnod, Dist Pratapgarh (Raj) (Presently Lodged In Dist Jail Pratapgarh , Raj)

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

For Petitioner(s)	:	Mr. Vijay Kumar Gaur
For Respondent(s)	:	Mr. Shrawan Singh Rathore, PP

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

05/02/2025

This application for bail under Section 483 BNSS has been filed by the petitioner who has been arrested in connection with F.I.R. No.25/2023 registered at Police Station Arnod, Dist. Pratapgarh, for the offences under Sections 8/15, 25 and 29 of NDPS Act.

Heard learned counsel for the petitioner and learned Public Prosecutor. Perused the material available on record.

Learned counsel for the petitioner submitted that as per the prosecution, contraband (poppy husk/straw) weighing 137 kgs. in 6 plastic sacks was recovered from a mini truck- tempo bearing registration No.MP-43-L-2714. Drawing attention of the Court towards the *challan* papers and the disclosure statements of the co-accused Zahid Khan who was allegedly transporting the recovered contraband in the offending vehicle, learned counsel

submitted that only 40 kgs of the total 137 kgs. of contraband (poppy husk/straw) so recovered was supplied by the petitioners to the co-accused persons. The remaining 97 kgs. of the contraband was procured by the co-accused persons from co-accused- Badshah.

Learned counsel submitted that the contraband in the present case has not been recovered from the conscious possession of the present petitioner. The contraband allegedly supplied by the petitioner to the co-accused persons is below commercial quantity. The petitioner does not have any criminal antecedents and he has been implicated in the present case solely on the basis of the disclosure statements of the co-accused persons. On these grounds, learned counsel implored the Court to enlarge the petitioner on bail.

Per contra, learned Public Prosecutor has vehemently opposed the bail application. However, learned Public Prosecutor was not in a position to refute the fact that at the contraband weighing 40 kgs. was supplied by the present petitioner to the co-accused persons which is below commercial quantity. He was also not in a position to refute the fact that the petitioner does not have any criminal antecedents.

Having considered the rival submissions, facts and circumstances of the case, this Court *prima facie* finds that the contraband allegedly supplied by the petitioner to the co-accused persons is below commercial quantity. Thus, without expressing any opinion on merits/demerits of the case, this Court is inclined to enlarge the petitioner on bail.

Consequently, the bail application under Section 483 BNSS is allowed. It is ordered that the accused-petitioner **Dheeraj Singh S/o Shri Bhagwan Singh** arrested in connection with F.I.R. No.25/2023 registered at Police Station Arnod, Dist. Pratapgarh, shall be released on bail, if not wanted in any other case, provided he furnishes a personal bond of Rs.1,00,000/- and two sureties of Rs.50,000/- each, to the satisfaction of learned trial court, for his appearance before that court on each & every date of hearing and whenever called upon to do so till completion of the trial.

It is however, made clear that findings recorded/observations made above are for limited purposes of adjudication of bail application. The trial court shall not get prejudiced by the same.

(KULDEEP MATHUR),J

151-divya/-