HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous 2nd Bail Application No. 12750/2026
CNR: RJHC020776622026 | URN: CRLMB / 23457U / 2026

Peerulal Malviya S/o Mangilal, Aged About 34 Years, R/o Pipaliya Kulami, Police Station Machalpur, Distt Rajgarh, Madhya Pradesh At Present R/o Rajlaxaminagar, Jhalawar P.S. Kotwali Jhalawar, Distt. Jhalawar (Raj) (Petitioner In Sub Jail Bhawanimandi).

----Accused-Applicant

Versus

The State Of Rajasthan, Through PP

----Respondent

For Applicant(s)	:	Ms. Drishti Mishra
For Respondent(s)	:	Mr. Manvendra Singh Shekhawat, PP

HON'BLE MR. JUSTICE SAMEER JAIN

Order

30/10/2026

1. The instant second bail application has been moved under Section 483 of the BNSS, 2023 on behalf of the accused-applicant, who was arrested in connection with FIR No. 198/2025 registered at Police Station Dug, District Jhalawar for the offence(s) punishable under Sections 8/20, 8/25, and 8/29 of the NDPS Act, 1985.

2. Learned counsel for the accused-applicant has submitted that the applicant is a respectable ex-army personnel, aged about 34 years, having served the nation with an unblemished record and having no criminal antecedents registered against him. It is vehemently contended that there is a substantial and material change in circumstances since the rejection of the first bail application, as the investigation is complete and the charge-sheet

has already been filed. Learned counsel points out that although a commercial quantity of contraband was allegedly recovered from a vehicle, the applicant was neither apprehended at the spot nor was he present in the said vehicle at the time of the alleged interception. It is next submitted that no recovery of any contraband was effected from the conscious physical possession of the present applicant, and his implication is founded purely on suspicion and statements under Section 8/29 of the NDPS Act. Consequently, the statutory embargo under Section 37 of the NDPS Act does not operate *qua* the present applicant. It is further submitted that the applicant has been languishing in judicial custody and that the trial is likely to considerable time to conclude, and therefore, it is prayed that the applicant be enlarged on bail.

3. *Per contra*, learned Public Prosecutor has vehemently opposed the instant second bail application, contending that a commercial quantity of contraband was recovered from the intercepted vehicle and that the applicant stands charged under Sections 8/20, 8/25, and 8/29 of the NDPS Act.

4. Having heard the arguments advanced by learned counsel for the parties and upon an assiduous perusal of the record, taking note of the fact that the charge-sheet has already been filed in the instant matter; that no recovery of contraband was effected from the conscious physical possession of the present applicant; that the applicant was not apprehended from the intercepted vehicle; and that implication of the petitioner rests primarily upon Section 8/29 of the NDPS Act; that the stringent rigours of Section 37 of the NDPS Act are not attracted *qua* the applicant; that the

applicant is an ex-army personnel aged about 34 years; that there are no criminal antecedents registered against the accused, and keeping in mind the sacrosanct objective of the Indian criminal reformative system, but without commenting upon the merits/demerits of the case, this Court is inclined to enlarge the accused-applicant on bail.

5. Accordingly, the instant second bail application filed under Section 483 of the BNSS, 2023 stands allowed and it is ordered that accused-applicant **Peerulal Malviya S/o Mangilal** 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.

(SAMEER JAIN),J

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