HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous II Bail Application No. 16343/2026
CNR: RJHC020975082026 | URN: CRLMB / 30207U / 2026

Dilip Kumar S/o Ratanlal, Aged About 43 Years, R/o Phoolbarod, Police Station Harnawada Shahaji, District Baran (Raj.) (Presently Confined In District Jail At Jhalawar).

----Petitioner

Versus

State Of Rajasthan, Through PP

----Respondent

For Petitioner(s)	:	Mr. Narsi Prasad Sharma
For Respondent(s)	:	Mr. Vivek Choudhary, PP

HON'BLE MR. JUSTICE RAVI CHIRANIA

Order

29/10/2026

1. This misc. second bail application has been filed by the petitioner Dilip Kumar S/o Ratanlal, aged about 43 Years, who was arrested by the police in connection with the FIR bearing No.18/2026 dated 15.01.2026 registered at Police Station Manohar Thana, District Jhalawar for the offences punishable under Sections 8/15 & 8/25 of NDPS Act, 1985.

2. Learned counsel submits that the first bail application filed by the petitioner was dismissed by this Court vide order dated 21.05.2026, thereafter, the petitioner has preferred this second bail application under Section 483 of B.N.S.S., 2023.

3. Learned counsel for the petitioner submits that the Police, after completing the investigation, has filed the charge-sheet on 09.07.2026. Learned counsel for the petitioner further submits that the inventory of the alleged recovered contraband substance

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i.e. doda, as seized in this case weighing 182 Kg was prepared on 22.02.2026. Learned counsel also submits that the samples of alleged contraband substance was recovered on 22.01.2026 were sent for FSL on 22.04.2026 and there is no justification for keeping the contraband substance for such a long period at the police station and therefore, he has disputed the complete recovery as made in this case. Learned counsel further pointed out that he was not arrested on the spot rather on the statement of co-accused person-Vicky Pareta who stated that petitioner was along with him in the vehicle from which the contraband substance was recovered in an abandoned condition. In view thereof, learned counsel for the petitioner prays that the petitioner be enlarged on bail.

4. Learned Public Prosecutor strongly opposes the bail application but could not dispute the fact that about the serious delay in preparation of the inventory and sending the samples of seized contraband substance for FSL with a delay of three months, the contraband substance was not recovered from the petitioner’s conscious possession though is more than commercial quantity as prescribed under the NDPS Act.

5. This Court, after considering the nature of allegations the overall facts and circumstances of the case and noted that petitioner was not arrested on the spot rather on the statements of the co-accused persons has serious doubts about the recovery been made in this case, the charge-sheet already been filed, without making any comments on the merits of the case, is inclined to exercise its power under Section 483 B.N.S.S. and deems it just and proper to enlarge the accused-petitioner on bail.

6. Accordingly, the second bail application filed under Section 483 B.N.S.S. is allowed and it is directed that accused-petitioner **Dilip Kumar S/o Ratanlal** shall be released on bail, provided he executes a personal bond in a sum of Rs.1,00,000/-with two sound and solvent sureties of Rs.50,000/- each to the satisfaction of learned trial Court for his appearance before that Court on each and every date of hearing and whenever called upon to do so till completion of the trial.

7. The petitioner is further directed not to take undue advantage of liberty or misuse liberty. It is made clear that the observation as made by this Court in the bail application will not affect the trial of the case. The petitioner shall mark his presence before the concerned SHO of the Police Station twice a month for the entire period of the trial. The SHO shall maintain register to mark presence of the petitioner. In case the petitioner fails to appear twice in any month then the same shall be considered as breach and this bail shall stands canceled automatically without further reference to the Court.

8. It is further directed that in case, the petitioner is found to be involved in any case including NDPS Act within a period of two years from the date of passing of this order, learned Public prosecutor shall file an application for cancellation of the bail.

(RAVI CHIRANIA),J

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