

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**

S.B. Criminal Miscellaneous Bail Application No. 972/2026
CNR: RJHC010003622026 | URN: CRLMB / 2151U / 2026

Kailash Nath S/o Devi Nath Alias Devivlal Yogi, Aged About 30
Years, R/o Natho Ka Mohallah Badliyas Ps Badliyas Dist Bhilwara
(Lodged In Dist Jail Chittorgarh)

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s)	:	Mr. Vijay Raj Bishnoi
For Respondent(s)	:	Mr. Hanuman Prajapati, PP assisted by Mr. Omprakash Choudhary

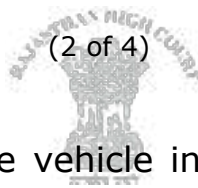
HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

07/08/2026

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that there is nothing on record to connect him with the alleged offence. It is further submitted that the main accused, from whose possession the contraband was recovered, has already been enlarged on bail by a Co-ordinate Bench of this Court vide order dated 06.05.2025. On the aforesaid premise, learned counsel seeks parity with the said co-accused.

Learned Public Prosecutor has vehemently opposed the bail application, submitting that sufficient material is available on record to establish the involvement of the petitioner in the commission of the alleged offence. It is contended that the



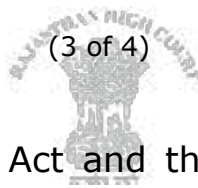
petitioner was escorting the vehicle in which the contraband was being transported and, therefore, his case cannot be placed at par with that of the co-accused.

This Court has considered the submissions advanced by learned counsel for the parties and perused the material available on record.

So far as the contention regarding parity with co-accused Lokesh Kumar is concerned, this Court has gone through the order dated 06.05.2025 passed by the Co-ordinate Bench. A perusal thereof reveals that the said co-accused was enlarged on bail primarily on the ground of prolonged incarceration, he having remained in custody for more than two years. It was also taken into consideration that, out of the total prosecution witnesses, only three witnesses had been examined till then. Further, the said bail application was the third bail application preferred by the said co-accused.

In the present case, the petitioner was arrested on 09.12.2025 and has remained in custody for about eight months only. Thus, the ground of prolonged incarceration, which weighed with the Co-ordinate Bench while granting bail to co-accused Lokesh Kumar, is not available to the petitioner. Consequently, the petitioner cannot claim parity with the said co-accused merely on the basis of the order dated 06.05.2025.

This Court has further considered the submission that the petitioner has been falsely implicated merely on the basis of the information furnished by co-accused Lokesh Kumar under Section

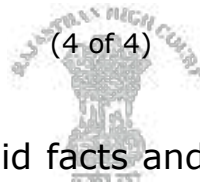


27 of the Indian Evidence Act and that there is no independent material connecting him with the alleged offence.

Upon perusal of the record, however, this Court finds that there is material available on record, apart from the aforesaid information furnished by the co-accused, indicating the involvement of the petitioner. It is borne out from the record that the petitioner was using the mobile phone of co-accused Lokesh Kumar and that the location of the mobile phones being used by Lokesh Kumar as well as the petitioner was found to be proximate to each other during and around the relevant time of the incident. It is further alleged that the petitioner was escorting the vehicle in which the contraband was being transported, while travelling on a white-coloured Platina motorcycle.

The contraband recovered in the present case is 88 kilograms of poppy straw, which is admittedly a commercial quantity. Thus, the rigours of Section 37 of the NDPS Act are clearly attracted. Having regard to the material available on record, this Court is not satisfied that there are reasonable grounds for believing that the petitioner is not guilty of the alleged offence. Further, considering the nature and gravity of the allegations and the antecedents of the petitioner, there is also a reasonable likelihood of his indulging in similar activities if enlarged on bail.

It is also noticed that two other cases under the NDPS Act and one case under the Indian Penal Code are pending against the petitioner.



In view of the aforesaid facts and circumstances, particularly the commercial quantity of contraband involved, the material indicating the involvement of the petitioner, his antecedents and the statutory bar contained in Section 37 of the NDPS Act, this Court is not inclined to enlarge the petitioner on bail.

Accordingly, the present criminal miscellaneous bail application is dismissed.

(BALJINDER SINGH SANDHU),J