

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

S.B. Criminal Miscellaneous Bail Application No. 929/2026
CNR: RJHC010043752026 | URN: CRLMB / 2078U / 2026

Ashok S/o Pemaram, Aged About 25 Years, R/o Ingoniya, Tehsil Jodhpur, Distrit Jodhpur, Rajasthan. (Presently Lodged In Sub Jail Jaitaran)

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s)	:	Mr. Ashok Khilery
For Respondent(s)	:	Mr. Hanuman Prajapati, PP

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU
Order

05/08/2026

The present bail application has been preferred by the petitioner under Section 483 of BNSS (Old Section 439 Cr.P.C.) in connection with FIR No.171/2024 registered at Police Station Bar, District Beawar for the offences punishable under Section 8/15 and 29 of the NDPS Act.

Learned counsel for the petitioner submits that, the petitioner has been falsely implicated in the present case and he is being enroped only on the basis of statement of co-accused Rakesh @ Bhutta recorded under Section 23(2) of the BSA. It is stated that there is no other connecting evidence with the petitioner or any call details with the co-accused Rakesh @ Bhutta. Hence, it is stated that there is absolutely no connectivity to the alleged offences against on record and the petitioner is behind the bar since 15.10.2025. Nothing has been recovered from the petitioner and the recovery has been effected from an abandoned

vehicle. The alleged narcotic contraband recovered is Poppy Husk weighing 387 kg 540 grams. Furthermore, the co-accused Rakesh @ Bhutta as well as Dolaram have already been granted bail by a Co-ordinate Bench of this Court vide order dated 11.08.2025 passed in S.B. Criminal Misc. Bail Application No.9444/2025.

Per contra, learned Public Prosecutor has vehemently opposed the bail application.

This Court has considered the arguments raised by learned counsel for the petitioner. The petitioner has been implicated on the basis of the statement of co-accused Rakesh @ Bhutta recorded under Section 23(2) of the BSA. There is no other connecting evidence on record linking the petitioner with the alleged offence or any call details connecting him with the co-accused Rakesh @ Bhutta. Nothing has been recovered from the petitioner and the recovery has been effected from an abandoned vehicle. The petitioner is behind the bars since 15.10.2025. The alleged narcotic contraband recovered is Poppy Husk weighing 387 kg 540 grams. The Co-accused Rakesh @ Bhutta and Dolaram have already been granted bail by a Co-ordinate Bench of this Court vide order dated 11.08.2025 passed in S.B. Criminal Misc. Bail Application No.9444/2025.

Having regard to the material presently available on record, the absence of recovery from the conscious possession of the petitioner, the nature of the evidence collected during investigation, and the fact that a co-accused standing on similar footing has already been enlarged on bail, this Court is of the prima facie opinion that reasonable grounds exist for believing that the petitioner may not be guilty of the alleged offence. There



is also nothing on record to indicate that, if released on bail, he is likely to commit any offence while on bail. Consequently, for the limited purpose of deciding the present application, the rigours contained in Section 37 of the NDPS Act stand satisfied.

Hence, keeping in view of the overall facts and circumstances of the case; conclusion of the trial of the case is likely to take time and the prosecution has not shown any apprehension of the petitioner fleeing away from justice, in case he is enlarged on bail and without expressing any opinion on the merits of the case, this Court deems it just and proper to grant bail to the petitioner under Section 483 of BNSS.

Accordingly, this bail application filed under Section 483 of BNSS is **allowed** and it is directed that petitioner –**Ashok S/o Pemaram** shall be released on bail in connection with aforesaid FIR, if not wanted in any other case, provided he executes a personal bond in the 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 the completion of the trial.

It is, however, made clear that the observations made herein are only for the purpose of deciding the present bail application and shall not be construed as an expression of opinion on the merits of the case. The learned trial Court shall decide the matter independently, uninfluenced by any observations contained in this order.

(BALJINDER SINGH SANDHU),J