HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 3492/2026
CNR: RJHC010211822026 | URN: CRLMB / 7988U / 2026

Laxman S/o Shankar Lal, Aged About 37 Years, Songar Khora , Police Station Begun District Chittorgarh. (At Present Lodged In Sub Jail Merta)

----Petitioner

Versus

State Of Rajasthan, Through Public Prosecutor

----Respondent

For Petitioner(s)	:	Mr. Surendra Singh Choudhary
For Respondent(s)	:	Mr. Hanuman Prajapati, PP

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

10/08/2026

Heard learned counsel for the parties and perused the material available on record.

The petitioner has been arrested in connection with FIR No. 86/2017 registered at Police Station Merta City, District Nagaur, for the offences punishable under Sections 8/29 of the NDPS Act. The present bail application has been preferred under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

Learned counsel for the petitioner submits that, in the present case, the petitioner has been solely implicated on the basis of the interrogation note of the co-accused, wherein it has been stated that the alleged contraband was purchased from the petitioner. It is submitted that, apart from the said interrogation note, there is nothing on record to connect the petitioner with the

alleged offence and no other evidence has been collected against him. It is further submitted that the charge-sheet against the petitioner was filed under Section 299 of the Cr.P.C., and thereafter, he was arrested after a lapse of eight years from the date of the incident.

Learned counsel further submits that the alleged recovery of 62 kg 500 grams of poppy straw was made from the conscious possession of Vishal and Mahendra, from their vehicle. It is submitted that both of them were released on bail during the trial. Although they have since faced trial and have been convicted, their sentences have been suspended by a Co-ordinate Bench of this Court vide orders dated 09.01.2026 and 17.12.2025 passed in S.B. Criminal Misc. Suspension of Sentence Application Nos. 05/2026 and 2204/2025, respectively. It is submitted that there is no evidence on record against the petitioner, which is also apparent from the charge-sheet filed in the matter. It is further submitted that the petitioner has been in judicial custody since 07.02.2026 and that the trial is likely to take considerable time to conclude.

Per contra, learned Public Prosecutor has vehemently opposed the bail application. However, he does not dispute the fact that the petitioner has been implicated on the basis of the interrogation note/statement of the co-accused and that the case against the petitioner has been set up under Sections 8/29 of the NDPS Act.

This Court has considered the submissions advanced by learned counsel for the parties and has perused the charge-sheet. The charge-sheet reveals that the petitioner has been implicated on the basis of the statement of the co-accused Vishal and, prima facie, there is no other connecting evidence against the petitioner to establish his involvement in the alleged offence. The petitioner was arrested after a lapse of eight years, and the charge-sheet against him was filed under Section 299 of the Cr.P.C. Further, the co-accused were on bail during the trial and, after their conviction, their sentences have been suspended by a Co-ordinate Bench of this Court.

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 the co-accused, who are stated to be similarly placed, have 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, the petitioner is likely to commit any offence while on bail. Consequently, for the limited purpose of deciding the present bail application, the rigours contained in Section 37 of the NDPS Act stand satisfied.

Hence, keeping in view the fact that the conclusion of the trial is likely to take considerable time and that the prosecution has not shown any apprehension that the petitioner is likely to flee

from justice in the event of his release on bail, this Court deems it just and proper to grant bail to the petitioner under Section 483 of the BNSS, 2023, without expressing any opinion on the merits of the case.

Accordingly, the present bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is **allowed**. It is directed that the petitioner, **Laxman S/o Shankar Lal**, shall be released on bail in connection with the aforesaid FIR, if not wanted in any other case, provided he furnishes a personal bond in the sum of Rs.1,00,000/- along with two sound and solvent sureties in the sum of Rs.50,000/- each to the satisfaction of the learned trial Court, for his appearance before the said Court on each and every date of hearing and whenever called upon to do so, till the conclusion 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

18/Hanuman