HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 3238/2026
CNR: RJHC010218942026 | URN: CRLMB / 7389U / 2026

Kamal Singh S/o Dunger Singh, Aged About 40 Years, R/o Bambori Police Station Rathanjana District Pratapnagar Rajasthan. (Presently Lodged In Dist. Jail Pratagarh)

----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

This application for bail under Section 483 BNSS (439 Cr.P.C.) has been filed by the petitioner who has been arrested in connection with F.I.R. No.245/2022, registered at Police Station Chhoti Sadari, District Pratapgarh, for offences under Sections 8/15 and 8/29 of the NDPS Act.

Learned counsel for the petitioner submits that, in the present case, the alleged recovery is of 897.500 kg of poppy husk. However, no recovery has been effected from the possession of the petitioner. The contraband was recovered from two abandoned vehicles, and it is alleged that four persons fled from the spot. Subsequently, on the basis of information received during the investigation, they were identified as Khosla Ram, Om Prakash,

and Chima Ram. It is submitted that none of these persons was apprehended or identified at the spot.

It is further submitted that even in the first charge-sheet, no material was found against the petitioner, nor was any investigation shown to be pending against him. The petitioner's name was not mentioned in the first charge-sheet. Subsequently, Khosla Ram was arrested, and during his interrogation, he disclosed under Section 27 of the Evidence Act that the contraband had allegedly been arranged through the present petitioner, Kamal Rana.

Learned counsel submits that, apart from the disclosure statement recorded under Section 27 of the Evidence Act, there is no material against the petitioner. There are no call detail records or any other incriminating material on record connecting the petitioner with the alleged offence. It is further submitted that the mere disclosure statement under Section 27 of the Evidence Act is of no consequence insofar as the petitioner is concerned.

Learned counsel further submits that the principal accused, namely Khosla Ram, Chima Ram, and Bhim Singh, have already been enlarged on bail by a Co-ordinate Bench of this Court vide orders dated 23.08.2024 and 18.12.2025 passed in S.B. Criminal Misc. Bail Application Nos. 8506/2024 and 14561/2025, respectively. While granting bail, the Co-ordinate Bench specifically observed that a disclosure statement under Section 27 of the Evidence Act requires corroboration by independent material on record.

It is further submitted that the petitioner has been in judicial custody since 13.10.2025. Although other cases under the NDPS Act are pending against the petitioner, he has been falsely implicated in the present case. It is also submitted that the Co-ordinate Bench of this Court has enlarged the petitioner on bail in the other FIR as well, vide order dated 11.07.2025 passed in S.B. Criminal Misc. Second Bail Application No. 4646/2025, after considering the pendency of the other criminal cases as recorded in paragraph 7 of the said order.

In these circumstances, learned counsel submits that the petitioner deserves to be enlarged on bail. It is further submitted that since the petitioner has already been granted bail in the other pending cases, the rigours of Section 37 of the NDPS Act would not operate as a bar to the grant of bail in the present case.

Per contra, learned Public Prosecutor has opposed the bail application and states that numbers of NDPS cases are pending against the petitioner but, however is not in position to show any other connecting evidence on record against the petitioner.

This Court has considered the submissions advanced on behalf of the petitioner and perused the material available on record. The record reveals that the alleged recovery of 897.500 kg of poppy husk was effected from two abandoned vehicles and no recovery has been effected from the possession of the petitioner. The petitioner's name did not figure in the first charge-sheet, and the material placed on record indicates that his implication is based primarily on the disclosure statement of co-accused Khosla

Ram recorded under Section 27 of the Evidence Act. Apart from the said disclosure statement there is nothing to connect the petitioner with the alleged offence. It is further notices that the principal accused, namely Khosla Ram, Chima Ram and Bhim Singh, have already been enlarged on bail by the Co-ordinate Bench of this Court. The petitioner has remained in judicial custody since 13.10.2025 and has also been granted bail in the other pending NDPS case.

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

Consequently, the bail application under Section 483 BNSS (439 Cr.P.C.) is allowed. It is ordered that the accused-petitioner

Kamal Singh S/o Dunger Singh arrested in connection with FIR No.245/2022, registered at Police Station Chhoti Sadari, District Pratapgarh, shall be released on bail, if not wanted in any other case, provided he furnishes a personal bond of Rs.1,00,000/- and two sureties of Rs.50,000/- each, to the satisfaction of learned trial court, for his appearance before that court on each & every date of hearing and whenever called upon to do so till 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

6/Mayank Chouhan