HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 5468/2026
CNR: RJHC010421382026 | URN: CRLMB / 12235U / 2026

Gurbachan Singh S/o Surajpal Singh Raysikh, Aged About 55 Years, R/o Manglam Bihar, Gram Kaliyan, P.s. Sadar Ganganagar, District Ganganagar (Presently Lodged At Central Jail Shriganganagar)

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

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

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

07/08/2026

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

The petitioner has been arrested in connection with FIR No.37/2026 registered at Police Station Sadar Ganganagar, District Ganganagar, for the offences punishable under Sections 8/15 and 29 of the NDPS Act. He has preferred this bail application under Section 483 of the BNSS.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is submitted that the alleged contraband was planted in his house when he was not present and, thereafter, the CCTV camera was also destroyed. It is further submitted that this Court, in CRLMP No.2883/2026,

vide order dated 23.04.2026, has already directed an inquiry into the matter by the Superintendent of Police.

Be that as it may, learned counsel submits that, even otherwise, the contraband allegedly recovered in the present case was contained in three bags, with the total weight recorded as 17 kgs each, totalling 51 kgs. He submits that the weight recorded in the FIR itself includes the weight of the bags. It is contended that, with a mala fide intention, the petitioner has been falsely implicated and the weight has also been manipulated. It is further submitted that, even after excluding the weight of the bags, the quantity of the contraband would certainly fall below the commercial quantity of 50 kgs.

Learned counsel submits that, looking to the overall facts and circumstances of the case, the possibility of the petitioner having been falsely implicated cannot be ruled out. The petitioner is behind bars since 31.03.2026. He has also relied upon the orders passed by the Coordinate Bench dated 18.06.2026 and 05.05.2026 in CRLMB Nos.3072/2026 and 3167/2026, respectively, wherein, taking into consideration the weight of the bags included in the total measurement, bail was granted to the accused. It is further submitted that the conclusion of the trial is likely to take considerable time.

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

This Court has considered the arguments advanced by learned counsel for the petitioner and has perused the material

available on record. Prima facie, the contention raised by learned counsel for the petitioner regarding inclusion of the weight of the bags in the total weight of the recovered contraband cannot be brushed aside at this stage. If the weight of the bags is excluded, the actual weight of the contraband may fall below the commercial quantity prescribed under the NDPS Act. The fact that an inquiry has already been directed by this Court vide order dated 23.04.2026 in CRLMP No.2883/2026, coupled with the aforesaid circumstances and the orders passed by the Coordinate Bench, also lends support to the contention raised on behalf of the petitioner. The petitioner is behind bars since 31.03.2026.

Hence, keeping in view the aforesaid facts and circumstances of the case, the fact that the conclusion of the trial is likely to take considerable time, and the prosecution has not shown any apprehension of the petitioner fleeing 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 the BNSS.

Accordingly, this bail application filed under Section 483 of the BNSS is **allowed** and it is directed that the petitioner, **Gurbachan Singh S/o Surajpal Singh Raysikh**, shall be released on bail in connection with the 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 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 completion of the trial.

(BALJINDER SINGH SANDHU),J

27/Deepak