

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

S.B. Criminal Miscellaneous 2nd Bail Application No. 6497/2026
CNR: RJHC010464182026 | URN: CRLMB / 14350U / 2026

Rajkumar Alias Raju S/o Rameshwar Lal Bishnoi, Aged About 47
Years, R/o House No. 34 Near Pani Ki Gole Tanki Jawahar Nagar
Mandi Adampur Ps Adampur Dist. Hissar (At Present Lodged In
Dist. Jail Chittorgarh)

-----Petitioner

Versus

State of Rajasthan, through PP

-----Respondent

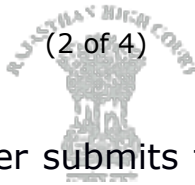
For Petitioner(s)	:	Mr. Kailash Khilery (through VC)
For Respondent(s)	:	Mr. Shriram Choudhary, AGA (through VC)

HON'BLE MR. JUSTICE GANESH RAM MEENA

Order

06/08/2026

1. The instant second bail application has been filed under Section 483 of BNSS, 2023 on behalf of accused-petitioner in connection with FIR No.195/2024 registered at Police Station Sadar Chittorgarh, District Chittorgarh for the offence under Section 8/15 of NDPS Act.
2. Learned counsel for the petitioner submits that the accused-petitioner is in custody since 02.05.2024, meaning thereby, he has already served incarceration more than 2 years and 3 months. Learned counsel also submits that the recovery was made on 02.05.2024 and the application for preparing inventory was there on the very same day i.e. 02.05.2024 however, it was prepared on 27.05.2024 and lateron the samples were sent to the FSL on 05.06.2024.



3. Learned counsel further submits that there is no explanation for delay in preparation of the inventory and sending the samples to the FSL. Learned counsel also submits that, out of total 19 prosecution witnesses, only 8 witnesses have been examined so far and there is no fault on the part of the accused-petitioner for delay in trial.

4. Learned Additional Government Advocate has opposed the bail application and submits that huge quantity of *Poppy Husk* weighting 290 Kg was recovered from possession of the accused-petitioner and in view of the stringent provisions of Section 37 of NDPS Act, the accused-petitioner does not deserve to be released on bail. Learned Additional Government Advocate is not in a position to show that the delay in trial in any manner is attributed to the accused-petitioner.

5. Considered the submissions made by counsel for the petitioner as well as Additional Government Advocate and also perused the challan papers including the statements of the prosecution witnesses.

6. The Seizure Officer has already been examined before the learned trial Court who in his statement has stated that he has submitted the application for preparing inventory on 02.05.2024 however, the inventory was prepared on 27.05.2024 and the samples were sent to the FSL on 05.06.2024. The said witness has not explained the delay in sending the samples to FSL for examination.

7. Article 21 of the Constitution of India speaks that no person shall be deprived of his life or liberty except in accordance with the

procedure established by law. The criminal jurisprudence as regards the speedy trial, is based on special principle that innocent (suspect) person should not be subjected to custody for indefinite period without there being any effective progress in the trial. It is a basic principle of criminal jurisprudence that victim should get justice as early as the legal system can provide. It is also the basic principle of criminal jurisprudence that a person until and unless held guilty after due process of trial / inquiry, he is said to be innocent. The legislative framework that is provisions of Cr.P.C./ B.N.S.S, 2023 provides various provisions for speedy trial.

8. The Hon'ble Apex Court in case of **Wajid Ali @ Tinku (supra)** in Para Nos.3, 4, 5 and 6 has held as under:-

"3. Most of the material witnesses have been examined.

4. The argument is that the petitioners were arrested on 28.03.2023 and that they have been in jail for more than two years and ten months. The sample was sent to the Forensic Science Laboratory ('FSL') after 21 days for which there is no appropriate explanation.

5. In view of the aforesaid facts and circumstances, we consider it proper to enlarge the petitioners on bail.

6. Accordingly, we direct that the petitioners be released on bail subject to the terms and conditions that may be imposed by the trial Court commensurating with the charges, if any, framed against them including surrendering of their passport, if any, with the Trial Court itself."

9. The accused-petitioner is said to be in custody since 02.05.2024 and even after passing of more than 2 years and 3

months only 8 witnesses out of total 19 prosecution witnesses have been examined so far which shows that still the trial will take further time to conclude.

10. Taking into consideration overall facts and circumstances as stated above and more particularly the fact that the accused-petitioner is in custody for last more than 2 years and 3 months, this Court taking into consideration the right of speedy trial as provided under Article 21 of the Constitution of India, without making any comments on the merits or demerits of the case, deems it just and proper to enlarge the accused-petitioner on bail.

11. Accordingly, the second bail application under Section 483 BNSS is allowed and it is ordered that the accused-petitioner named above shall be enlarged on bail provided, he furnishes a personal bond in the sum of Rs.1,00,000/- together with two sureties of Rs.50,000/- each to the satisfaction of the learned trial Judge for his appearance before the Court concerned on all the dates of hearing and as and when called upon to do so.

(GANESH RAM MEENA),J