HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 6749/2026
CNR: RJHC010502962026 | URN: CRLMB / 14897U / 2026

Thavra S/o Shri Nathu Charpota, Aged About 45 Years, R/o Arjunpura Police Station Anandpuri, District Banswara Raj. (Lodged In Dist. Jail Banswara)

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

For Petitioner(s)	:	Mr. Jubin Mehta
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.78/2026 registered at Police Station Anandpuri, District Banswara, for the offences punishable under Section 8/20 of the NDPS Act. He has preferred this bail application under Section 483 of the BNSS.

Learned counsel for the petitioner submits that, in the present case, the recovery comprises 15 bags containing cannabis plants. He submits that the entire plants have been weighed together, including the leaves and stalks, which do not fall within the definition of “ganja”. It is further submitted that no commercial or small quantity has been separately prescribed in

the Schedule in respect of the recovered substance and, therefore, the embargo contained under Section 37 of the NDPS Act is not attracted. The petitioner is behind bars since 25.04.2026. It is submitted that, after completion of the investigation, the charge-sheet has already been filed. 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. However, he is not in a position to dispute that not all the plants were bearing fruiting tops and that the fruiting tops, leaves and stalks were not weighed separately.

This Court has considered the arguments advanced by learned counsel for the petitioner and perused the material available on record. This Court finds that, as per the seizure memo, complete plants were recovered and it is stated that only a few of the plants were bearing fruiting tops; however, the fruiting tops, leaves and stalks were not weighed separately. The Schedule to the NDPS Act does not prescribe any small or commercial quantity in respect of the complete cannabis plants as such. In such circumstances, prima facie, the embargo contained under Section 37 of the NDPS Act is not attracted. The Coordinate Bench of this Court has also considered a similar issue and enlarged the accused on bail vide orders dated 05.05.2026 and 26.04.2023 passed in S.B. Criminal Misc. Bail Applications Nos.3024/2026 and 3252/2023, respectively. The petitioner is behind bars since 25.04.2026.

Hence, keeping in view 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, **Thavra S/o Shri Nathu Charpota**, 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

34/Deepak