HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 6978/2026
CNR: RJHC010532482026 | URN: CRLMB / 15506U / 2026

Bharat Kumar S/o Shri Saktaram, Aged About 45 Years, R/o. Amrapuri Bishawadi Police Station Sarwana District Jalore, Rajasthan (Presently Lodged At Dist. Jail Chittorgarh Raj.)

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

For Petitioner(s)	:	Mr. Ripudaman Singh
For Respondent(s)	:	Ms. Sonu Manawat, PP

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

03/08/2026

1. 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.04/2022 registered at Police Station Bijaypur, District Chittorgarh, for offences under Sections 8/15, 8/29 of the NDPS Act.

2. Counsel for the petitioner submits that 10 Quintal, 2 Kg and 500 Grams of Poppy Straw was allegedly recovered from the vehicle, which was driven by Suresh Jat & Banka Ram. It is stated that recovery was affected from both of them and so far as the petitioner is concerned, nothing has been recovered from him.

It is stated that the only allegation against the petitioner is that the vehicle which was purchased by Anil Kumar was arranged through the petitioner. The petitioner is neither owner of the vehicle nor he can be said to be connected in any manner with the vehicle. That apart, there is no record of the vehicle as reflected in the charge-sheet.

It is stated that main accused Suresh and Banka Ram have already been enlarged on bail vide orders dated 22.06.2024 and 08.02.2024. Further, Anil Kumar has also been enlarged on bail vide order dated 16.05.2023. The petitioner is in custody since 11.05.2026. Challan has already been filed against him under Section 8/25 of NDPS Act. The trial of case is likely to take a long time, thus, prayed to enlarge the petitioner on bail.

3. Per contra, learned Public Prosecutor opposed the bail application stating recovery is of more than the commercial quantity.

4. This Court has considered the arguments raised and has gone through the record, which reflects that no recovery has been affected from the petitioner; main accused Suresh, Banka Ram and Anil Kumar have already been enlarged on bail by Co-ordinate Bench of this Court; challan has already been filed; petitioner is in custody since 11.05.2026 and the trial of case will take a long time.

5. This Court prima facie finds that the contraband, which is admittedly above commercial quantity, was not recovered from the conscious and exclusive possession of the petitioner. The petitioner appears to have been implicated in the present case primarily on the basis of the statements of co-accused. Apart from the same, prima facie, no direct or circumstantial evidence is available on record indicating the involvement of the petitioner in the commission of the alleged offence.

6. In the opinion of this Court, substantial grounds exists in favour of the petitioner to question the prosecution case and, therefore, no fruitful purpose would be served by keeping him in continued detention till conclusion of the trial. This Court further finds that the rigors of Section 37 of NDPS Act stand duly satisfied in the present case. Accordingly, without expressing any opinion on the merits or demerits

of the case, this Court is of the opinion that the bail application filed by the petitioner deserves to be accepted.

7. Hence, keeping in view the fact that the conclusion of trial is likely to take a long time and prosecution has not shown any apprehension of the petitioner fleeing away 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 BNSS.

8. Consequently, the bail application under Section 483 BNSS (439 Cr.P.C.) is allowed. It is ordered that the accused-petitioner **Bharat Kumar S/o Shri Saktaram** arrested in connection with F.I.R. No.04/2022 registered at Police Station Bijaypur, District Chittorgarh, 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.

(BALJINDER SINGH SANDHU),J

45/Sanjay Tanwar