

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

S.B. Criminal Miscellaneous Bail Application No. 6977/2026
CNR: RJHC010532862026 | URN: CRLMB / 15504U / 2026

Vikash Kumar S/o Shri Mahendra Kumar, Aged About 40 Years,
Resident Of 55-56, Ratnadi Heights Society, Bajrang Nagar, Police
Station Deesa, Banaskantha, Gujarat. (Currently In Central Jail,
Jodhpur)

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s)	:	Mr. Anand Purohit, Sr. Advocate assisted by Mr. Pradeep Bhakar Ms. Aditi Vyas
For Respondent(s)	:	Mr. Hanuman Prajapati, PP assisted by Mr. Omprakash Choudhary

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

07/08/2026

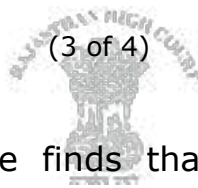
1. This application for bail under Section 483 BNSS (439 Cr.P.C.) has been filed by the petitioner, who has been arrested in connection with F.I.R. No.105/2024 registered at Police Station Chopasni Housing Board, District Jodhpur City West, for offences under Sections 8/22, 8/25 of the NDPS Act.
2. Counsel for the petitioner submits that in the present case the recovery is of 800 Buprenorphin Tablet, weighing 86.4 Grams, which is above commercial quantity. It is stated that the alleged recovery was affected from Sanjay Tyagi from his vehicle and petitioner was neither at the spot nor he is in any manner connected with the same. He has been enroped in this case on the statement of co-accused Sanjay Tyagi, who informed the same was purchased



from Mohanlal and Mohanlal in turn in his disclosure statement had named the petitioner. Counsel submits that petitioner is practicing doctor and is Director of a hospital situated at Deesa (Gujarat). He has been falsely implicated. That apart, co-accused Mohanlal, who took name of the petitioner, has already been enlarged on bail vide order dated 11.02.2025 passed in S.B. Criminal Misc. 2nd Bail Application No.1706/2025. Furthermore, co-accused Vinod too has been enlarged on bail by this Court on 25.09.2024. The petitioner has been booked in this case with the aid of Section 29 of NDPS Act. The petitioner is in custody since 18.04.2026 and 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. The case set-up against the petitioner is with the aid of Section 29 of NDPS Act. The petitioner has been enroped in this case on the ground of statement of co-accused Mohanlal. Recovery has been affected from Sanjay Tyagi and no recovery has been made from present petitioner. Co-accused Mohanlal and Vinod have already been enlarged on bail on 11.02.2025 and 25.09.2024 respectively. Petitioner is behind bars since 18.04.2026 and his presence is no more required for investigation purposes. Further, no useful purpose is going to be served by keeping him behind bars. Counsel states one more case is registered against petitiioenr at Barmer, however, in that all well, the petitioner has been enlarged on bail and 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. 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 **Vikash Kumar S/o Shri Mahendra Kumar**, arrested in connection with F.I.R. No.105/2024 registered at Police Station Chopasni Housing Board, District Jodhpur City West, 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

301/Sanjay Tanwar