HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 8778/2026
CNR: RJHC010628472026 | URN: CRLMB / 19091U / 2026

Mahendra Saharan S/o Shri Sharwann Kumar Saharan, Aged About 30 Years, R/o Gurjan Basti, Ward No. 18 Sardarshaha, P.s.sardarshahar District Churu Rajasthan.(Presently Lodged In District Jail Churu)

----Petitioner

Versus

State Of Rajasthan, Through Public Prosecutor.

----Respondent

For Petitioner(s)	:	Mr. Harsh Shekhawat
For Respondent(s)	:	Mr. Hanuman Prajapati, PP assisted by Mr. Omprakash Choudhary

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HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

07/08/2026

1. This application for bail under Section 483 BNSS has been filed by the petitioner, who has been arrested in connection with F.I.R. No.261/2026 registered at Police Station Sardarshahar, District Churu for the offence under Sections 8/15, 8/18 and 29 of NDPS Act.

2. Learned counsel for the petitioner contends that petitioner has falsely been implicated in this case. The allegedly recovered contraband substance **(01 Kg 550 Grams of Poppy Husk/straw, 806 Grams of Poppy Straw/Husk & 104 Grams of Opium)** is below commercial quantity, as prescribed under the NDPS Act and, as such, rigour of Section 37 of the NDPS Act of not releasing the accused on bail is not attracted. The criminal

antecedents of the petitioner are clear. Recovery has been affected from conscious possession of co-accused Ramkishan @ Ramo and nothing has been recovered from petitioner. The petitioner is in judicial custody since 20.06.2026 and trial of case is likely to take a long time, therefore, benefit of bail may be granted to the petitioner.

3. Per contra, learned Public Prosecutor opposed application, however, is not in a position to refute the aforesaid submissions.

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

5. This Court has considered the arguments advanced by the learned counsel for the petitioner and the alleged recovered contraband substance **(01 Kg 550 Grams of Poppy Husk/straw, 806 Grams of Poppy Straw/Husk & 104 Grams of Opium)** is below commercial quantity, as prescribed under the NDPS Act and, as such, rigour of Section 37 of the NDPS Act of not releasing the accused on bail is not attracted. The criminal antecedents of the petitioner are clear. Recovery has been affected from conscious possession of co-accused Ramkishan @ Ramo and nothing has been recovered from petitioner. The petitioner is in judicial custody since 20.06.2026

6. Hence, keeping in view the overall facts and circumstances of the case; conclusion of the trial of the case is likely to take time; the narcotic contraband alleged to be recovered is below commercial quantity; the prosecution has not shown any apprehension of the petitioner fleeing away from justice, in case he is enlarged on bail; but, without expressing any opinion on the

merits of the case, I deem it just and proper to grant bail to the petitioner under Section 483 of BNSS.

7. Accordingly, this bail application filed under Section 483 of BNSS is allowed and it is directed that petitioner - **Mahendra Saharan S/o Shri Sharwann Kumar Saharan,** shall be released on bail in connection with the aforesaid FIR, it 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 of Rs.50,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(BALJINDER SINGH SANDHU),J

303/Deepta Arora