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HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous II Bail Application No. 17679/2026
CNR: RJHC021074482026 | URN: CRLMB / 32494U / 2026

Ajay Kumar Sharma S/o Shri Ved Prakash Sharma, Aged About 43 Years, R/o Mansapuri Colony, B.S.A. Road Mathura, Police Station Krishna Nagar, District Mathura (Uttar Pradesh). (The Accused Petitioner Is Presently Confined In District Jail, Karauli).

----Accused-Petitioner

Versus

State Of Rajasthan, Through PP

----Respondent

For Petitioner(s)	:	Mr. Vibhuti Bhushan Sharma Ms. Anindya Gupta Mr. Harshit Tiwari Ms. Suman
For Respondent(s)	:	Mr. Sudesh Saini, PP with Mr. Mandeep Singh Mr. Lokesh Sorwal, S.P. Karauli through VC Mr. Abjeet Kumar, I.O. P.S. Sapotra

HON'BLE MR. JUSTICE RAVI CHIRANIA

Order

27/11/2026

1. The present criminal misc. second bail application has been filed by the petitioner Ajay Kumar Sharma S/o Shri Ved Prakash Sharma, who was arrested by the police in connection with the FIR bearing No.72/2025 dated 23.02.2025 registered at Police Station Sapotra, District Karauli, for the offences punishable under Sections 8, 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Learned counsel for the petitioner submits that the first bail application filed by the petitioner was dismissed as withdrawn vide order dated 27.05.2026, with liberty to file afresh after recording the statements of the Investigating Officer and Seizing Officer.

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Thereafter, the petitioner has preferred this second bail application under Section 483 of B.N.S.S., 2023.

3. Learned counsel for the petitioner submits that the statements of the Investigating Officer and Seizing Officer have been recorded as PW1 and PW2. He argues that the complete case as set up by the police, including the recovery, is false and fabricated. He specifically argues that in the alleged incident dated 22.02.2025, one Mani Ram was picked up from his house in the early morning and was kept in illegal custody, thereafter the petitioner was called through him, and then he was arrested by showing the recovery of the alleged contraband substance. He further argues that initially in the document it was presented that he was driving an i-20 car, whereas later the vehicle was changed from i-20 to Bolero jeep, having the same number.

4. Learned counsel further argues that the contraband substance was seized on 23.02.2025. For sending the contraband substance for FSL, the letter was prepared on 28.07.2025; thereafter, the samples were deposited on 01.08.2025. By mentioning these dates, he specifically argues that without any justification, the contraband substance remained at the police station for a period of five months. Learned counsel further argues that the delay in depositing the samples in the FSL creates a doubt about their recovery and authenticity. By referring to the various other documents, which are part of the charge-sheet, serious doubt has been pointed out about the complete case as set up by the prosecution. Learned counsel further pointed out other documents, namely the inquiry note of Data Ram and Ajay Kumar as were prepared, which are part of the charge-sheet. In the inquiry note of Data Ram and Ajay Kumar Sharma (petitioner

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herein) there are common mobile numbers which is factually incorrect. Further in the second inquiry note of Ajay Kumar the details are blank, and it contains photographs of some other person, which show that the manner in which the investigation has been carried out and the documents are prepared shows that there is serious involvement of the police persons in planting of contraband substance and in falsely implicating the petitioner herein. He further refers to the statements of the above witnesses, as recorded by the learned Trial Court and stated that the complete case is false and the petitioner deserves to be enlarged on bail, as he has been behind bars since February 2025, as even the statements of material witnesses have been recorded. Learned counsel further pointed out that the learned Trial Court by order dated 07.07.2026 directed the Investigating Officer to collect the call records and CCTV footage of the incident period, however, despite passing of more than four months, no such details have been collected and provided in terms of the said order which shows that the Investigating Officer and other responsible police persons are hiding the vital information as the same would lead to the acquittal of the petitioner herein. In view thereof, learned counsel prays that the petitioner may be enlarged on bail.

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5. Learned Public Prosecutor strongly opposes the bail application and tried to justify the complete case as set-up by the police through the FIR; however, despite his best efforts, and along with the officer present before this Court, he failed to answer the serious queries of this Court. The complete arguments as raised does not inspire confidence.

6. Noticing the fact that the entire case is seriously doubtful, this Court initially called the Investigating Officer of the case, who

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appeared before this Court on 26.11.2026; however, he failed to satisfy the query of the Court and then on 26.11.2026, the District S.P. was directed to appear before this Court through VC. Today District S.P. has appeared through VC and admits that no steps were taken in pursuance to the order of trial Court dated 07.07.2026, whereby the learned Court below directed the Investigating Officer to collect and provide the details of the call record as well as the CCTV footage of the relevant period. The District S.P. further fairly admits that the order was passed on 07.07.2026, no communication in that regard was done by the Investigating Officer or the concerned SHO. He further informs that he has now sought information for compliance of learned Court order dated 07.07.2026 by the letter dated 26.11.2026, to collect the said information. He admits that there were serious lapses on the part of the IO and other police personnel connected with the investigation and assured that departmental inquiry will be conducted in regard to the conduct of the investigation by the concerned police persons.

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7. Heard learned counsel for the parties and perused the contents of the FIR and the detailed charge-sheet and various serious facts as pointed out by the learned counsel for the petitioner, including the statements of the witnesses as recorded by the learned Trial Court. In matters of NDPS, the punishment is severe, and it is the duty of the Investigating Officer to follow the mandate of the Act of 1985 strictly and the law laid down by Hon'ble Apex Court.

8. This Court has considered the overall facts and circumstances, contents of the FIR, nature of allegations, and the recovery was shown on 23.02.2025 from the petitioner, including

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the fact that the contraband substance remained at the police station for a period of five months and the inventory was not prepared immediately or in reasonable time. Also the samples of contraband substance were sent for FSL with serious delay. The letter was prepared on 28.07.2025, and thereafter, with a gap of four days, samples were deposited in the lab on 01.08.2025. There is no justification on the record for the abovementioned serious delay of more than five months, and this creates serious doubt about the entire case as set up through the FIR and concluded through the charge-sheet. This Court also heard the District S.P. and fails to find any justification, and the answers to the serious lapses in the conduct of the investigation and non-action for four months for compliance of trial Court order dated 07.07.2026, which *prima facie* create doubt about the manner in which the recovery was shown and inventory was prepared and the samples of contraband substance were sent for FSL. The statements of the witnesses contain significant contradictions, and the trial will take a sufficiently long time to conclude, further without commenting upon merits/demerits of the present case, and the fact that the petitioner herein is behind the bars since February 2025 and a period of more than 22 months have passed therefore, this Court is of the view that no person can be kept in illegal confinement when case appears to be doubtful as same is in violation of Article of the Constitution of India. The liberty of any person cannot be curtailed when the prosecution has failed to justify its case. Admittedly, serious timelines have been violated in preparation of inventory and in sending the same to FSL. In the given facts and circumstances, this Court cannot wait for the conclusion of trial when prima facie this Court is not convinced

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with the complete act and conduct of the Investigating Officer. Therefore, this Court is inclined to exercise its power under Section 483 B.N.S.S. and deems it just and proper to enlarge the accused-petitioner on bail.

9. Accordingly, the present criminal misc. second bail application filed under Section 483 B.N.S.S. is allowed and it is directed that accused-petitioner Ajay Kumar Sharma S/o Shri Ved Prakash Sharma shall be released on bail, provided he executes a personal bond in a sum of Rs.1,00,000/- each 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.

10. The petitioner is further directed not to take undue advantage of liberty or misuse liberty. It is made clear that the observations as made by this Court in the bail application will not affect the trial of the case.

11. It is further directed that in case, the petitioner is found to be involved in any case under the NDPS Act within a period of two years from the date of passing of this order, this bail shall stand canceled without further reference to the Court.

12. The District Superintendent of Police, who appeared through VC, shall conduct the detailed inquiry in regard to the conduct of the investigating Officer and all the persons who are involved with the complete case starting from 22.02.2025 till submission of the charge-sheet in the Court. If the police persons are found to be involved in any kind of illegal activity implanting of the narcotic substance and implicating the petitioner and other persons etc. then necessary departmental proceedings shall be conducted

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against them in accordance with law. The District Superintendent of Police shall file the complete report within a period of four months from today.

13. List this matter for compliance on 06.04.2027.

(RAVI CHIRANIA),J

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