RAJASTHAN HIGH COURT
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HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 6243/2026

CNR: RJHC010457242026 | URN: CRLMB / 13844U / 2026

Rajasthan High Court
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Jagtar Singh S/o Gurubux Singh, Aged About 41 Years, R/o Shahpur Police Station Sadar Samana District Patiala (Punjab) (At Present Lodged In District Jail, Churu)

----Petitioner

Versus

State Of Rajasthan, Through Public Prosecutor

----Respondent

For Petitioner(s) : Mr. Kailash Khilery
For Respondent(s) : Mr. Pawan Kumar Bhati, PP

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

17/11/2026

The instant second application for bail under Section 483 of BNSS (439 of Cr.P.C.) has been filed on behalf of petitioner who has been arrested in the present matter. The requisite details of the matter are tabulated herein below:

S. No.	Particulars of the case	
1.	FIR Number	0047/2025
2.	Police Station	Churu Sadar
3.	District	Churu
4.	Offences alleged in the FIR	Sections 8, 15 and 29 of NDPS Act
5.	Offences added, if any	-

The first bail application of petitioner was dismissed as not pressed vide order dated 17.12.2025 passed by this Court in S.B. CRLMB No.13784/2025, however, liberty was granted to petitioner to file afresh application after statement of Investigating Officer are recorded before the learned trial court.

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Now, statement of Investigating Officer has been recorded before the learned trial court. Hence the present bail application.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is further submitted that the allegation against the petitioner pertains to escorting the vehicle from which, the alleged recovery of narcotic contraband was made. It is further submitted that the co-accused Kishan Pahalwan @ Kishanram has already been enlarged on bail by a Coordinate Bench of this Court vide order dated 28.03.2026 passed in ***S.B. CRLMB No.3787/2026***. Additionally, it is alleged by the prosecution that the petitioner was in telephonic contact with the accused from whose possession the alleged narcotic contraband was recovered. However, no transcript of the alleged conversation has been exhibited or placed on record to establish the nature or contents of the conversation between the petitioner and the said accused, as is also evident from the statement of the Investigating Officer. For ready reference, the relevant extract of statement of Investigating Officer are being reproduced herein below:-

> "मेरी तफदीश के अनुसार वाहन कार नम्बर पीबी *11* ए.एच*. 2844* में सवार चमकोर सिंह व जगतार सिंह बैठे हुए थे उक्त वाहन में कोई अवेद्ध मादक पदार्थ अभियुक्तगण के कब्जे से मिलना मेरी तफतीश में नहीं आया अजखुदकहा कि इस वाहन का उपयोग एस्कोर्ट में करने में किया गया। यह कहना सही है कि उक्त वाहन का मालिक जगतार सिंह का होना नहीं पाया गया। अजखुदकहा परिवहन विभाग से प्राप्त रिकोर्ड के अनुसार उक्त वाहन सिमरनजीत सिंह पुत्र चमकोर सिंह के नाम रजिस्टर्ड होना पाया गया। मुझे तफतीश *08.04.2025* को प्राप्त हुई। पी बी *11* ए एच *2844* की तलाशी में चमकोर सिंह जगतार सिंह एवं गुरविन्दर सिंह से संबंद्ध स्थापित बाबत कोई दस्तावेज नहीं पाए गए। इस बाबत मुझे कोई प्ता नहीं। दौराने तफतीश स्कोर्टिंग करने की स्वतंत्र करने की चक्षुवंशी अभियुक्त चमकोर सिंह व जगतार सिंह के विरूद्ध साक्ष्य में कोई स्वतंत्र गवाह नहीं होना पाया गया। यह बात जप्ती अधिकारी ही बता सकता है। यह कहना सही है इस प्रकरण में अभियुक्त जगतार सिंह चमकौर सिंह के विरूद्ध एस्कोर्ट बाबत मोबाईल

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ट्रांसक्रिप्ट रिकोर्डिंग सीडी, वीडियोग्राफी फोटोग्राफी टोल फुटेज गूगल लोकेशन पत्रावली पर नहीं है।"

In support of his contention, learned counsel for the petitioner has placed reliance on the judgment rendered by the Hon'ble Supreme Court in the cases of ***Rabi Prakash Vs. State of Orisa (Leave to Appeal (Criminal) No.4169/2023*** and ***Mohd Muslim @ Hussain Vs. State (NCT of Delhi) in Special Leave Petition (Crl.) No(s).915 of 2023***.

Learned counsel has further placed reliance on the judgment of Honb'le Supreme Court in the case of ***Balwinder Singh Vs. State of Punjab & Anr. (Special Leave to Appeal (Crl.) No.8523/2024),*** in which, while granting bail, it has been observed as under:

> *"9. The incident in the present case occurred on 25.06.2020 and the petitioner was arrested soon thereafter on 26.06.2020. By now, 6 co-accused have been granted bail. As the prosecution wishes to examine 17 more witnesses, the trial is unlikely to conclude on a near date.*
> *10. Considering the above and to avoid the situation of the trial process itself being the punishment particularly when there is presumption of innocence under the Indian jurisprudence, we deem it appropriate to grant bail to the petitioner – Balwinder Singh. It is ordered accordingly. Appropriate bail conditions be imposed by the learned trial court."*

Learned counsel for the petitioner has also placed reliance on the judgment passed by a coordinate Bench of this Court in ***Avtar Singh Vs. State Of Rajasthan [S.B. Criminal Miscellaneous Bail Application No. 13483/2024]***, decided on 22.05.2025, wherein, while allowing the bail application, it was observed as under:

> "*7. In **Rabi Prakash Vs. State of Odisha** passed in Special leave to Appeal (Crl.) No.(s) 4169/2023, Hon'ble the Apex Court has again passed an order dated 13th July, 2023 dealing this issue and has held that the provisional liberty(bail) overrides the*

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prescribed impediment in the statute under Section 37 of the NDPS Act as liberty directly hits one of the most precious fundamental rights envisaged in the Constitution, that is, the right to life and personal liberty contained in Article 21.

8. Considering the overall facts and circumstances of the case and the fact that petitioner is behind the bars for around more than two years thus, looking to the fact that there is high probability that the trial may take long time to conclude and given the flagrant non-compliance with these mandatory provisions, this Court finds that the continued detention of the petitioner is not justified thus it is deemed suitable to grant the benefit of bail to the petitioner.

9. It is nigh well settled law that at a pre-conviction stage; bail is a rule and denial from the same should be an exception. The purpose behind keeping an accused behind the bars during trial would be to secure his presence on the day of conviction so that he may receive the sentence as would be awarded to him. Otherwise, it is the rule of Criminal Jurisprudence that he shall be presumed innocent until the guilt is proved.

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There are no previous criminal antecedents against the petitioner and only 01 prosecution witness has been examined out of a total of 15 prosecution witnesses. Furthermore, challan has already been filed and petitioner has been in custody since 07.04.2025 (about more than 21 months) and trial of case will take sufficiently long time, therefore, benefit of bail may be granted to accused-petitioner.

Per contra, learned Public Prosecutor has opposed the present bail application and submitted that the call detail records (CDR) reflecting telephonic contact between the petitioner and the accused from whose possession the alleged narcotic contraband was recovered are available on record. However, he does not refute the fact that there are no previous criminal antecedents against the petitioner and only 01 prosecution witness has been examined out of a total of 15 prosecution witnesses.

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Having heard and considered the rival submissions, facts and circumstances of the case as well as perused material available on record, considering that challan has already been filed; statement of Investigating Officer has already been recorded; only 01 prosecution witness has been examined out of a total of 15 prosecution witnesses; petitioner has been in custody since 07.04.2025 (about more than 21 months) and trial of case will take significant time; without expressing any opinion on merits/demerits of the case, this Court is inclined to enlarge petitioner on bail.

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Consequently, bail application under Section 483 of BNSS (439 Cr.P.C.) is allowed. It is ordered that accused-petitioner as named in the cause title, arrested in connection with above mentioned FIR, shall be released on bail, if not wanted in any other case, provided he/she/they 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/her/their appearance before that court on each & every date of hearing and whenever called upon to do so till completion of the trial.

(MUKESH RAJPUROHIT),J

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Mrityunjay Singh Rathore

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