RAJASTHAN HIGH COURT
सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODH-PUR

S.B. Criminal Miscellaneous 2nd Bail Application No. 1512/2026

Samrath S/o Kanahaiya Lal, Aged About 21 Years, Gadola Police Station Rathanjana District Pratapgarh (Lodged In Central Jail Udaipur)

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

Rajasthan High Court
सत्यमेव जयते
Web Copy - Not Official

For Petitioner(s)	:	Mr. Ram Singh Rawal through V.C.
For Respondent(s)	:	Mr. Urja Ram Kalbi, P.P.

HON'BLE MR. JUSTICE RAVI CHIRANIA

Order

13/03/2026

1. This second bail application has been filed by the petitioner Samrath S/o Kanahaiya Lal, Aged About 21 Years, who was arrested by the police in connection with the FIR bearing No.30/2025 registered at Police Station Kheroda, District Udaipur for the offences punishable under Sections 8/22 of NDPS Act`.

2. Learned counsel submitted that the first bail application was dismissed by this Court vide its order dated 30.10.2025, thereafter, the petitioner has preferred this second bail application under Section 483 of B.N.S.S.

3. Learned counsel submitted that the Police after completing the investigation filed the charge-sheet. Learned counsel submitted that the contraband substance MDMA as recovered was quantified as 50 grams which is above the commercial quantity,

(Uploaded on 17/03/2026 at 07:01:19 PM)
(Downloaded on 14/11/2026 at 11:27:23 AM)

however, after the F.S.L. report, it has come out that the alleged contraband substance recovered from the petitioner that is Mephedrone (MD), which is quantified to as 50 grams and is equal to the commercial quantity. He has no criminal antecedents of any nature in the near past, hence, he may be enlarged on bail as the trial will take sufficient long time.

4. Learned Public Prosecutor strongly opposed the bail application.

5. This Court has considered the nature of the alleged contraband substance recovered from the petitioner, which, as per the FSL report, is exactly 50 gram of MD. The issue regarding the quantity falling within the category of commercial quantity has been examined by the High Court of Himachal Pradesh in the case of *Ratto Vs. State of Himachal Pradesh*, wherein it was held that for quantity to be commercial quantity under Section 2(viia) of N.D.P.S. Act, it must be greater than the quantity specified in the notification. Since the notification specifies 50 gram for MD, and recovery in the present case is exactly 50 gram and not more, rigors of Section 37 of N.D.P.S. Act are not attracted. Therefore, without making any comments upon the merits of the case, this Court is inclined to enlarge the present petitioner on bail. Consequently, the bail application is allowed.

6. Accordingly, the bail application filed under Section 483 B.N.S.S. is allowed and it is directed that accused-petitioner **Samrath S/o Kanahaiya Lal** shall be released on bail, provided he executes a personal bond in a sum of Rs.1,00,000/-with two sound and solvent sureties of Rs.50,000/- to the satisfaction of learned trial Court for his appearance before that Court on each

(Uploaded on 17/03/2026 at 07:01:19 PM)
(Downloaded on 14/11/2026 at 11:27:23 AM)

and every date of hearing and whenever called upon to do so till the completion of the trial. The petitioner is further directed not to take undue advantage of liberty or misuse liberty. It is made clear that the observation as made by this Court in the bail applications will not affect the trial of the case.

7. **It is further directed that in case, the petitioner is found to be involved in any case of similar nature within a period of two years from the date of passing of this order, learned Public prosecutor shall file an application for cancellation of the bail, without any fail.**

(RAVI CHIRANIA),J

Aman/5

(Uploaded on 17/03/2026 at 07:01:19 PM)
(Downloaded on 14/11/2026 at 11:27:23 AM)