RAJASTHAN HIGH COURT
सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 12637/2026
CNR: RJHC010948642026 | URN: CRLMB / 27650U / 2026

Rajasthan High Court
सत्यमेव जयते
Web Copy - Not Official

Motilal S/o Deburam Ji, Aged About 22 Years, R/o Ward Number 04, Ravneri, Ps Kolayat, District Bikaner. (At Present Lodged In District Jail Bikaner)

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

For Petitioner(s) : Mr. Mangilal Vishnoi
For Respondent(s) : Mr. UR Kalbi, PP

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

04/11/2026

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

The petitioner has been arrested in connection with FIR No. 17/2026 registered at Police Station Kolayat, District Bikaner, for the offences punishable under Sections 8/15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act). He has preferred the present bail application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS).

Learned counsel for the petitioner submits that, in the present case, the alleged recovery of 1 quintal 56 kg 960 grams of poppy straw has been effected from a room constructed on Gochar land. He submits that, upon receiving information regarding the petitioner's house, the police party reached the said

(Uploaded on 04/11/2026 at 06:21:34 PM)
(Downloaded on 04/11/2026 at 11:21:49 PM)

room and found the petitioner sitting outside it. However, nothing was recovered from his personal search. Upon opening the room, the police recovered eight bags containing poppy straw.

Learned counsel further submits that the petitioner has been falsely implicated in the present case. The room in question is situated on Gochar land and, therefore, cannot be treated as the petitioner's private property or premises. There is no material available on record to establish either the ownership of the petitioner over the said room or any connection of the petitioner therewith. It is further submitted that the petitioner was merely sitting outside the room and that the house owned and occupied by him is situated separately in the village. No contraband was recovered from his residential house.

It is also submitted that an inquiry regarding the ownership and status of the room was made from the Gram Panchayat, which, vide its letter dated 07.02.2025, categorically stated that a room had been constructed on the Gochar land for the purpose of accommodating the cows kept locally and storing their fodder. Thus, the said room belongs to the Gram Panchayat, and there is no material to establish any connection of the petitioner with the same. Learned counsel, therefore, submits that there is no prima facie basis to attribute possession of the alleged contraband to the petitioner. It is further contended that merely because the petitioner was found sitting outside the room, it cannot be presumed, in the absence of other connecting material, that he had knowledge of the contraband allegedly stored therein.

(Uploaded on 04/11/2026 at 06:21:34 PM)
(Downloaded on 04/11/2026 at 11:21:49 PM)

RAJASTHAN HIGH COURT
सत्यमेव जयते

Learned counsel also submits that the petitioner has no criminal antecedents and has no previous criminal history. The investigation in the matter is complete and the charge-sheet has already been filed. The petitioner is in judicial custody since 25.01.2026, and the conclusion of the trial is likely to take considerable time.

Rajasthan High Court
सत्यमेव जयते
Web Copy - Not Official

Per contra, learned Public Prosecutor has vehemently opposed the bail application.

This Court has considered the rival submissions and carefully examined the material available on record. A perusal of the material reveals that the petitioner was allegedly found sitting outside the room from which the contraband was recovered. Significantly, the documents available on record indicate that the said room is situated on Gochar land. The Naksha Mauka also reflects this factual position. Further, the letter dated 07.02.2025 issued by the Gram Panchayat specifically records that the tin-shed room in question was constructed by the Gram Panchayat for the purpose of keeping cows and storing fodder for them.

In view of the aforesaid material, the alleged ownership or possession of the petitioner over the said room becomes doubtful. The alleged contraband was recovered from inside the room, whereas, even as per the prosecution case, the petitioner was found sitting outside the same.

In these circumstances, this Court finds substance in the contention raised on behalf of the petitioner that, prima facie, the documents available on record do not establish either his

(Uploaded on 04/11/2026 at 06:21:34 PM)
(Downloaded on 04/11/2026 at 11:21:49 PM)

ownership of or any direct connection with the room from which the alleged recovery has been effected. Further, no contraband was recovered from the personal search of the petitioner. The petitioner also has no criminal antecedents or previous criminal history. It is also an undisputed position that the investigation has been completed and the charge-sheet has already been filed. The petitioner has remained in custody since the date of arrest.

Having regard to the material presently available on record, the absence of recovery from the conscious possession of the petitioner, the nature of the evidence collected during investigation, this Court is of the prima facie opinion that reasonable grounds exist for believing that the petitioner may not be guilty of the alleged offence. There is also nothing on record to indicate that, if released on bail, he is likely to commit any offence while on bail. Consequently, for the limited purpose of deciding the present application, the rigours contained in Section 37 of the NDPS Act stand satisfied.

Hence, keeping in view of the fact that conclusion of the trial of the case is likely to take time; the prosecution has not shown any apprehension of the petitioner fleeing away from justice, in case he is enlarged on bail and without expressing any opinion on the merits of the case, this Court deems it just and proper to grant bail to the petitioner under Section 483 of BNSS.

Accordingly, this bail application filed under Section 483 of BNSS is **allowed** and it is directed that petitioner –**Motilal S/o Deburam Ji** shall be released on bail in connection with aforesaid FIR, if not wanted in any other case, provided he executes a

(Uploaded on 04/11/2026 at 06:21:34 PM)
(Downloaded on 04/11/2026 at 11:21:49 PM)

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.

It is, however, made clear that the observations made hereinabove are confined only to the adjudication of the present bail application and shall not be construed as an expression of opinion on the merits of the case. The learned trial Court shall decide the matter independently, uninfluenced by any observation made in this order.

(BALJINDER SINGH SANDHU),J

Crt_21 (2022)
D-A/69
Deepak

(Uploaded on 04/11/2026 at 06:21:34 PM)
(Downloaded on 04/11/2026 at 11:21:49 PM)