RAJASTHAN HIGH COURT
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HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous 3rd Bail Application No. 17322/2026
CNR: RJHC021055812026 | URN: CRLMB / 31875U / 2026

Prem Dudi S/o Ramniwas, Aged About 23 Years, R/o Village Dudiyo Ki Dhani Malaar, Police Station Pipadcity, District Jodhpur Rural. (At Present In Central Jail, Jaipur).

----Petitioner

Versus

State Of Rajasthan, Through PP.

----Respondent

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For Petitioner(s)	:	Mr. Ved Prakash Sogarwal
For Respondent(s)	:	Mr. Sudesh Saini, PP. Dr. Geeta Wadhwani, Director SFSL, Mr. Rajrishi Raj, DCP South.

HON'BLE MR. JUSTICE RAVI CHIRANIA

Order

05/11/2026

1. This criminal misc. third bail application has been filed by the petitioner-*Prem Dudi S/o Ramniwas*, aged about 23 years, who was arrested by the police in connection with the FIR bearing No.0804/2025 dated 15.09.2025 registered at Police Station Mansarovar, District Jaipur City (South), for the offences punishable under Sections 8 and 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Learned counsel submits that the first and second bail applications filed by the petitioner were rejected by orders dated 13.03.2026 and 24.04.2026, thereafter, the petitioner has preferred this third bail application under Section 483 of B.N.S.S, 2023.

3. Learned counsel for the petitioner submits that the recovery

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as made in this case is seriously doubtful. He further informs that after a detailed investigation, charge-sheet was filed on 11.03.2026 without enclosing/attaching the FSL report dated 27.01.2026. Learned counsel further informs that in the FIR, the recovered substance was recorded as ***Methamphetamine (MD),*** whereas in the FSL report, the substance has changed, which is now ***Mephedrone (4-methylmethcathinone)***. Learned counsel further submits that, after filing of the charge-sheet, recording of the statement of the Investigating Officer, as directed by this Court, his statement was recorded by the learned Trial Court as PW-1 on 19.09.2026. Referring to the said statement, learned counsel argued that the complete testimony, when read along with the FSL report, itself renders the entire case as doubtful. Learned counsel further submits that, much prior to the filing of the charge-sheet, the FSL report had been collected by the concerned police person and deposited at the police station but same was not attached.

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4. This Court, while hearing this application, was informed by learned counsel for the petitioner that, despite receipt of the FSL report, dated 27.01.2026, the same was not filed along with the charge-sheet. Upon inquiry, learned Public Prosecutor, informed that the same had been received by the Investigating Officer in August, 2026, and thereafter, it was filed before the concerned Court without any delay.

5. This Court had doubts on the above stated fact about the FSL report. Therefore, by order dated 02.11.2026, presence of the Investigating Officer of the case was ordered. On 04.11.2026, Mr.

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Guru Bhupender Singh, CI, SHO Chomu, who was the Investigating Officer of the case at the relevant time, appeared before this Court and made a categorical statement that immediately upon receipt of the FSL report, the same was filed before the learned Trial Court through the Public Prosecutor. He produced a document dated 26.08.2026, bearing Letter No. 8831, which was issued by the Office of DCP (South) and addressed to the SHO, Jaipur South, Jaipur, Police Station Mansarovar, Jaipur. The said Officer tried to convince this Court that the police authorities are not at fault and there was no deliberate intention or other delay in immediately submitting the FSL report before the learned Trial Court. He, therefore, informed this Court that he had performed his duties strictly as per law and he simply conducted the investigation of the case and charge-sheet was filed by some other officer.

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6. As this Court still had doubts regarding the facts informed by the above officer with respect to the FSL report, its submission and deposition before the learned Trial Court, therefore, by order dated 04.11.2026, the DCP (South), as well as the concerned person of the FSL, were directed to remain present before this Court along with the relevant record.

7. Today, Mr. Rajrishi Raj, DCP South, is present before this Court and has informs that the document dated 26.08.2026, as produced before this Court, is a forged document. He further informs that the dates have been changed intentionally by way of overwriting so as to show that there was no delay in submitting the FSL report immediately upon its receipt before the learned

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Trial Court. The DCP (South) informs this Court that he has personally verified the fact and noted that overwriting was made intentionally with the object of misleading this Court. He further informs that the concerned Literate Constable (LC), who collects the document for the concerned Police Station for submission before and from the Court and other authorities in Jaipur, had received the document in time but did not place the same before the SHO, Police Station Mansarovar, Jaipur, who had filed the charge-sheet on 11.03.2026 in the case.

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8. In view of the aforesaid act, LC, Mr. Bharat Lal, Constable, Belt No. 10674, has been placed under suspension by office order dated 04.11.2026, and further necessary disciplinary action will be taken against him in respect of the said act in accordance with law.

9. The DCP (South) fairly admits that the manner in which the concerned LC has acted is serious and he shall ensure that no such act is repeated in the future.

10. As far as the present bail application is concerned, the learned Public Prosecutor strongly opposes this third bail application by pointing out the recovery made from the petitioner; however, he could not dispute the fact that the substance as recovered at the time of seizure has changed differently in the FSL report. He submits that, although the description of the contraband substance has changed in the report, it is still commercial in nature, and therefore, the petitioner does not deserve to be enlarged on bail.

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11. Heard learned counsel for the parties and perused the contents of the FIR, charge-sheet and the statement of the SHO, recorded as PW-1 by the learned Trial Court and also noted the statement of DCP (South).

12. This Court, after considering the overall facts and circumstances, noted that the petitioner is behind bars since 13.01.2026. The FSL report was received on 27.01.2026. As per the statement made by Dr. Rita Wadhwani, an FSL official, the said report was given to their concerned wing/cell on 29.01.2026 which was collected by the office of DCP (South) from their office between 13.02.2026 to 16.02.2026. She further informs this Court that it is the duty of the concerned police official to collect a copy of the FSL report immediately upon being informed. She further informs this Court that the concerned police person was intimated through e-mail dated 27.01.2026-29.01.2026 to collect the report, however, the same was collected, as also affirmed by the DCP (South), on 16.02.2026 and immediately as per DCP (South), the same was sent through a messenger to the SHO, Police Station Mansarovar, Jaipur, as per the usual process.

13. In view of the above, it is clear that the FSL report was received by the Police Station, Mansarovar, Jaipur, and the same was duly recorded in the register as maintained for this purpose.

14. During the course of arguments, learned counsel for the petitioner pointed out that, despite the timely receipt of the FSL report dated 27.01.2026 on 16.02.2026, the same was not filed along with the charge-sheet which was filed on 11.03.2026. Therefore, the Investigating Officer of the case was summoned, as

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noted above, to explain his conduct in not filing the FSL report along with the charge-sheet.

15. The above discussion, as also informed by the DCP (South), leaves no doubt that, intentionally to mislead this Court, the document dated 26.08.2026 was prepared by overwriting to hide the correct facts. Despite timely receipt of the FSL report, the same was neither filed along with the charge-sheet nor placed before the learned Trial Court, which obstructed the hearing of the bail first and second application in the light of FSL report and the trial of the case.

16. Usually, the bail applications in NDPS matters are not entertained by the learned Trial Court as well as the High Court in the absence of the FSL report. In the present case, the same was concealed for almost 6-7 months, which is serious.

17. Though, the DCP (South) informs this Court that the concerned LC has been placed under suspension for the aforesaid act, however, this Court is not convinced with the statement, as an LC cannot be expected to commit such kind of mistake on his own, particularly when his role is merely of a messenger, who collects documents for the concerned Police Station, from the learned Trial Court as well as other authorities.

18. In view of the above-noted facts, this Court, while also noticing that the petitioner is not having any criminal antecedents and that the present case is the first one. Further, the recovery made in the present case was made from one Kamlesh and not from petitioner. *Prima facie* it appears that the petitioner has been falsely implicated in the case. However, this Court would not like

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to make any observations on the merits of the case, but the other facts raise doubt about the manner in which the case was registered and the petitioner has been made an accused. Further, considering the fact that trial is likely to take considerable time to conclude, this Court, without commenting upon the merits or demerits of the present case, is inclined to exercise its powers under Section 483 of the B.N.S.S.,2023, and deems it just and proper to enlarge the accused-petitioner on bail.

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19. Accordingly, this third bail application filed under Section 483 B.N.S.S. is allowed and it is directed that accused-petitioner **Prem Dudi S/o Ramniwas** 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.

20. 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.

21. It is further directed that if the petitioner is found to be involved in any case under the NDPS Act during the pendency of the trial, this bail shall stand canceled without further reference to the Court

22. The Commissioner of Police, Jaipur, is directed to conduct an enquiry either through DCP (South) or such other officer, to ascertain whether apart from the concerned LC, Bharat Kumar,

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Belt No. 10674, the Investigating Officer, Mr. Guru Bhupender Singh, CI, who is presently posted as the SHO of Police Station Mansarovar, or Mr. Lakhan Singh Kathana, SHO, and any other person is also responsible for the aforesaid act on the basis of their posting at the relevant time, in concealing the FSL report, delaying the pending trial, and thereby causing the petitioner to remain in judicial custody for an unnecessarily prolonged period. In the event their involvement is found, necessary disciplinary action be taken against all the persons responsible. A report in this regard shall be filed before this Court within a period of four months from the date of passing of this order.

23. The Commissioner of Police, Jaipur, shall ensure by issuance of appropriate orders, directing the Director FSL and the police officials to ensure that immediately after preparation of the report, its communication by the FSL to the concerned police official of the area etc. is made and the same is timely collected and handed over to the concerned police station within a period of 15 days from the date of preparation/communication by the FSL so as to ensure timely initiation and conclusion of the criminal trials.

24. List this case for compliance on 03.03.2027.

25. Copy of this order be sent to Commissioner of Police, Jaipur for needful action.

(RAVI CHIRANIA),J

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