



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**

S.B. Criminal Miscellaneous Bail Application No. 3062/2026
CNR: RJHC010244102026 | URN: CRLMB / 6977U / 2026

Rahul S/o Shri Aziz, Aged About 26 Years, R/o Gomana, Police
Station Chotisadari, District Pratapgarh, Rajasthan. (Presently
Lodged In Dist. Jail Pratapgarh)

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

connected with

S.B. Criminal Miscellaneous Bail Application No. 4893/2026
CNR: RJHC010365432026 | URN: CRLMB / 11093U / 2026

Naresh S/o Bhairu Lal, Aged About 30 Years, Agoria Police
Station Vallabhnagar District Udaipur Rajasthan (At Present
Lodged In Dist. Jail Pratapgarh)

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s) : Mr. Shiv Kumar Bhati
Mr. Ramesh Chandra Purohit

For Respondent(s) : Mr. Hanuman Prajapati, PP

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

26/10/2026

These applications for bail under Section 483 of the
Bharatiya Nagarik Suraksha Sanhita, 2023 (Section 439 Cr.P.C.)
have been filed by the petitioners, who have been arrested in
connection with F.I.R. No.149/2025 registered at Police Station
Chhotisadri, District Pratapgarh, for offence punishable under



Sections 8/25 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Learned counsel for the petitioners submits that the alleged recovery of 379.230 kg of poppy straw was effected from Kishan Lal and Suraj, who were carrying the contraband in their pickup vehicle bearing Registration No. RJ 27 GC 4240. He submits that, insofar as the petitioners Rahul and Naresh are concerned, neither of them was present in the vehicle nor was either of them involved in transporting the contraband. Learned counsel further submits that the petitioners have been implicated solely on the basis of the statements of co-accused Kishan Lal and Suraj, who stated that the contraband belonged to Rahul and was to be supplied to Naresh. He further submits that, apart from the statements of co-accused Kishan Lal and Suraj recorded under Section 23 of the Bharatiya Sakshya Adhiniyam, 2023, there is no other evidence on record to connect the petitioners with the alleged contraband or with the accused persons from whom the recovery was effected.

Learned counsel further submits that no call detail records or location details are available on record to establish any connection between the petitioners and the co-accused. He further submits that the charge-sheet has already been filed upon completion of the investigation and that the petitioners Rahul and Naresh have remained in custody since 10.02.2026 and 16.02.2026, respectively. Therefore, their further custodial interrogation is not required.



Per contra, learned Public Prosecutor has opposed the bail applications and submits that the co-accused have named the petitioners and that their involvement in the alleged offence is evident.

This Court has considered the submissions advanced on behalf of the parties and perused the material available on record. This Court finds that the alleged recovery of 379.230 kg of poppy straw, which is above the commercial quantity, was effected from Kishan Lal and Suraj, who were apprehended at the spot while transporting the contraband. They had named petitioner Rahul, stating that the contraband had been procured from him and was to be supplied to petitioner Naresh. During the course of the investigation, the investigating agency attempted to ascertain the call detail records and location details of petitioner Rahul; however, no such material appears to have been collected to establish his connection with the co-accused. There are no call detail records indicating any connection between Rahul and Kishan Lal or Suraj, nor are there any location details establishing such a connection. Further, insofar as petitioner Naresh is concerned, no material has been brought on record to show that any call detail records or location details were collected to establish his connection with the co-accused. The conclusion of the Investigating Officer, as reflected in paragraph No. 16 of the case diary, does not indicate that any call detail records or location details establishing such a connection were collected during the investigation. In view of the aforesaid circumstances, this Court prima facie finds that no material, apart from the statements of



the co-accused, has been brought on record to establish a connection between the petitioners and the alleged contraband or the co-accused from whom the recovery was effected. The material available on record, at this stage, does not disclose any independent corroborative evidence establishing the alleged involvement of the petitioners.

Having regard to the material presently available on record, the absence of recovery of the contraband from the conscious possession of the petitioners, the nature of the evidence collected during investigation, this Court is of the prima facie opinion that reasonable grounds exist for believing that the petitioners may not be guilty of the alleged offence. There is also nothing substantial on record to indicate that, if released on bail, the petitioners are likely to commit any offence while on bail. Consequently, for the limited purpose of consideration of these bail applications, the twin conditions contemplated under Section 37 of the NDPS Act stand satisfied.

Hence, keeping in view the overall facts and circumstances of the case, the period of custody undergone by the petitioners, completion of investigation and filing of the charge-sheet, the fact that the trial is likely to take considerable time and the absence of any material indicating that the petitioners are likely to flee from justice, but without expressing any opinion on the merits of the case, this Court deems it just and proper to enlarge the petitioner on bail under Section 483 of the BNSS.



Consequently, these bail applications under Section 483 of the BNSS (Section 439 Cr.P.C.) is **allowed**. It is ordered that accused-petitioners **Rahul S/o Shri Aziz and Naresh S/o Bhairu Lal**, arrested in connection with F.I.R. No.149/2025 registered at Police Station Chhotisadri, District Pratapgarh, shall be released on bail, if not wanted in any other case, provided the furnish a personal bond in the sum of Rs.1,00,000/- and two sureties in the sum of Rs.50,000/- each to the satisfaction of the learned trial Court, for their appearance before the said Court on each and every date of hearing and whenever called upon to do so till conclusion 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/28-29
Arjun