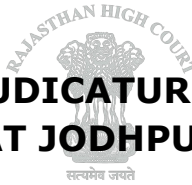




**HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**



1. S.B. Criminal Miscellaneous 2nd Bail Application No.
12276/2026

CNR: RJHC010911112026 | URN: CRLMB / 26765U / 2026

Sohel Khan S/o Shri Vaheed Ullah Khan, Aged About 30 Years,
Resident of Devaldi Police Station Arnod District Pratapgarh Raj.
(Presently Lodged In District Jail Pratapgarh)

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

Connected With

2. S.B. Criminal Miscellaneous Bail Application No. 10285/2026
CNR: RJHC010776352026 | URN: CRLMB / 22534U / 2026

Hanif S/o Haji Jadla, Aged About 32 Years, Resident of Babiwada
Mangrol Thana Mangrol District Junagadh Gujarat. (At Present
Lodged In District Jail Pratapgarh)

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s)	:	Mr. S.K. Bhati with Mr. Deepesh Gurjar Mr. Ramesh Chandra Purohit with Mr. Parbat Singh
For Respondent(s)	:	Mr. Surendra Bishnoi, PP

HON'BLE MR. JUSTICE SANDEEP SHAH

Order

28/10/2026

1. The accused-applicant Soheli Khan has filed the present second bail application and accused-applicant Hanif has filed the first bail application under Section 483 of BNSS being aggrieved against the order dated 21.08.2026 passed in Bail Application



No.363/2026 (Sohel Khan v. State of Rajasthan), and order dated 16.06.2026 passed in Bail Application No.254/2026 (Hanif v. State of Rajasthan) by the Learned Special Judge, NDPS Cases, Pratapgarh, Rajasthan, whereby the bail applications filed by the accused-applicants under Section 483 of BNSS were rejected. The accused-applicants are behind the bars, pursuant to the F.I.R. No.205/2025 registered against them at Police Station Suhagpura, District Pratapgarh, for offences punishable under Sections 8 & 22 of NDPS Act.

2. The first bail application preferred by the accused-applicant Soheli Kahn was dismissed as not pressed vide order dated 26.06.2026, while granting liberty to the accused-applicant to file a fresh bail application after the statement of the Investigating Officer had been recorded. It is submitted that the Investigating Officer has already been examined before the learned trial court.

3. Brief facts of the case are that during a routine blockade conducted by the police officials, a motorcycle was noticed approaching the blockade. Upon seeing the police officials, the rider of the motorcycle attempted to take a U-turn and flee from the spot. In the meanwhile, the person sitting on the pillion seat threw a yellow-coloured bag and ran away. The person riding the motorcycle was apprehended and upon query being raised disclosed his name as Ramlal. After conducting the proceedings under the NDPS Act, a search of Ramlal was carried out, during which, 167.02 grams of MD was recovered from the jacket worn by him. Thereafter, the investigation commenced and the present accused-applicants were also implicated in the case with the aid of Section 29 of NDPS Act.



4. Learned counsel for the accused-applicants submit that as far as the accused-applicant Soheli Khan is concerned, he has been implicated in the present case on the allegation that he had supplied the narcotic substance in question. So far as the accused-applicant Hanif is concerned, he has been alleged to be the end user of the contraband. Learned counsel further submit that neither Ramlal nor 'D', who was allegedly the juvenile pillion rider of the motorcycle, has made any statement implicating the accused-applicants in the commission of the offence. Furthermore, no confessional statement has been made by either Ramlal or 'D' naming the accused-applicants. They contend that there is no material on record establishing any connecting link between the accused-applicants and the alleged offence. They further submit that the allegations against accused-applicant Hanif are primarily based on the information furnished by Soheli Khan, wherein it was alleged that the contraband had been supplied by him for some person based in Gujarat, but he has not named any person. However, the said information does not find corroboration from any independent material available on record. Learned counsel contend that the only connecting link sought to be established between the accused-applicant and the alleged offence is a transaction of Rs. 80,000 made through UPI ID. However, the said transaction was not made in the name of Hanif, but was rather made in favour of one Jagdish, as is evident from the bank details placed on record. They submit that Jagdish has neither been implicated as an accused in the present case nor has any investigation been conducted to ascertain the purpose for which the said transaction was undertaken. They, therefore, contend





that neither any statement of the persons apprehended at the spot implicates the accused-applicants nor is there any independent material connecting them with the alleged offence. The accused-applicants have, thus, been falsely implicated in the present case.

4.1. Learned counsel further refers to the cross-examination of PW-1, Chabilal, the Investigating Officer, wherein he admitted that Soheli Khan had not disclosed any name in his statement. The Investigating Officer also admitted that no statement of any co-accused had disclosed the name of either accused-applicant, Soheli Khan or Hanif. Learned counsel further submit that during his cross-examination, the Investigating Officer admitted that he had not collected any details concerning the SIM numbers, call detail records or WhatsApp communications pertaining to either of the accused-applicants. They also contend that no effective investigation was conducted with regard to the UPI ID, through which, the alleged transaction of Rs. 80,000 had been made. They further submit that the Investigating Officer admitted that no mobile phone had been recovered from accused-applicant Hanif. Moreover, there is no material on record to establish that the amount of Rs.80,000/- was transferred for the purpose of supplying the contraband to Hanif. Neither any call details have been collected to establish communication between the principal accused Ramlal, and the accused-applicants. On the strength of the aforesaid submissions, learned counsel contend that there is no material connecting the accused-applicants with the alleged offence and that they deserve to be enlarged on bail. They, therefore, implore this Court to allow the present bail applications.



5. *Per contra*, learned Public Prosecutor opposes the bail applications and submits that, in view of recovery of a commercial quantity of narcotic substance, the embargo contained in NDPS Act would apply. He, therefore, contends that the accused-applicants do not deserve to be enlarged on bail.

6. Heard learned counsel for the accused-applicants as well as the learned Public Prosecutor and perused the material available on record.

7. I have considered arguments advanced by both the sides and also considered the facts and circumstances of the case. As far as the recovery is concerned, the same was effected from co-accused Ramlal, who was allegedly accompanied by one 'D'. Both the applicants have been implicated in the present case with the aid of Section 29 NDPS Act. However, *prima facie*, there is no connecting evidence to link either of the accused-applicants with the alleged offence. Neither any call details have been collected nor any contraband has been recovered from the accused-applicants. Further, neither Ramlal nor 'D' has disclosed the names of the accused-applicants. Except for the alleged identification of the place based on their disclosure statement, there is no material available on record to establish their involvement in the offence in question. The cross-examination of the Investigating Officer further clarifies that no call details were collected to establish any communication between Ramlal or 'D' and either Soheli Khan or Hanif. No WhatsApp chats or other electronic communication have been recovered to establish any connection between the accused-applicants and the alleged offence. It is also an admitted position that Soheli Khan did not name any particular person but merely



stated that a person from Gujarat had approached him for the contraband in question. The prosecution has sought to establish a link between accused-applicant Hanif and the alleged offence on the basis of a UPI transaction of Rs. 80,000/-. However, the said transaction was reflected in the bank account of one Jagdish, who has neither been implicated as an accused nor has any investigation been conducted to ascertain the purpose of the said transfer. Thus, the alleged transaction, in the absence of any further corroborative material, does not *prima facie* establish any connection between the accused-applicants and the offence in question.

8. In view of the aforesaid circumstances, this Court is of the *prima facie* opinion that the accused-applicants have been able to satisfy the twin conditions stipulated under Section 37 of NDPS Act. Further, the fact that the accused-applicants have no criminal antecedents of an identical nature also fortifies the aforesaid conclusion. Accordingly, the second condition prescribed under Section 37 of NDPS Act also stands satisfied.

9. Thus, considering the overall facts and circumstances of the case, the material available on record, and the absence of any *prima facie* connecting evidence against the accused-applicants, as also the fact that the charge-sheet has been filed, and the trial of the case will take a sufficiently long time to conclude, without expressing any opinion on merits/demerits of the case, this Court is inclined to enlarge the accused-applicants on bail.

10. Consequently, the second bail application filed by accused-applicant Sohel Khan and first bail application filed by the accused-applicant Hanif under Section 483 BNSS are **allowed**. It



is ordered that the accused-applicants **1. Sohel Khan S/o Shri Vaheed Ullah Khan** and **2. Hanif S/o Haji Jadla**, arrested in connection with F.I.R. No.205/2025 registered against them at Police Station Suhagpura, District Pratapgarh, shall be released on bail, if not wanted in any other case, provided each of them 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 their appearance before that Court on each & every date of hearing and whenever called upon to do so till completion of the trial.

11. It is further, made clear that findings recorded/observations made herein-above are for limited purposes of adjudication of bail application and the same shall not prejudice the trial of the case in any manner.

(SANDEEP SHAH),J

Crt_18 (1955)
D-A/23
Mohit Kumar