



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



S.B. Criminal Miscellaneous Bail Application No. 11933/2025

Tanishq Arora S/o Shri Subhas Kumar Arora, Aged About 26 Years, R/o House No. 94, Kachipuram Landmark Hotel Ke Pass, Bhilwada, Rajasthan. At Present Residing At Flat No. 201, Royal Palm, Shri Vihar, Mahaveer Nagar, Durgapura, Police Station Bajaj Nagar, Jaipur, Rajasthan. (At Present Confined In Central Jail, Jaipur).



-----Petitioner

Versus

The State Of Rajasthan, Through PP

-----Respondent

For Petitioner(s) : Mr. Rajveer Singh Gurjar
For Respondent(s) : Mr. Vijay Singh Yadav, PP

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

03/10/2025

1. The present bail application under Section 483 of BNSS is filed by the applicant-accused **Tanishq Arora S/o Shri Subhas Kumar Arora**, seeking bail in respect of a criminal case registered as FIR No.344/2025 dated 02.09.2025 registered at P.S. Bajaj Nagar, District Jaipur City (East) for the offences under Sections 8/20, 8/21, 8/25 and 8/29 of NDPS Act.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in the matter and the investigation against him is complete and he is no more required in investigation. He also submits that the applicant undertakes not to repeat offence and cooperate with



investigation/trial, which will take time. He further referred CCTV footage of building and deletion from DVR by police and submitted that no independent witness is called before search and seizure.

3. Learned counsel for applicant-accused submitted that applicant-accused is an innocent person. He further submits that 6.91 gram of cocaine and 4.90 gram of ganja was recovered from possession of present petitioner. He further submits that recovered ganja was shown by police as imported hybrid ganja and same is not classified separately in the schedule under the NDPS Act. He also submits that the recovered quantity 4.90 gram ganja is small quantity and offence is triable by Magistrate. He further submits that 6.91 gram cocaine is more than small quantity but it is less than commercial quantity. He further submits that the note appended by police clearly indicates that pure weight of cocaine was not possible as same is within plastic pouches and not in a position to scratch from plastic pouches. He further submits that separate recovery was also effected from other accused, namely, Devanshu Jain and Ganesh Adwani but it is not a case of joint recovery.
4. He further placed reliance upon judgment in case of **Akhilak @ Vilsan vs. State of Rajasthan, 2010(2) CRiLR 1542 = 2010 WLC 553** and submitted that when contraband has allegedly been recovered from more than two accused severally, then same has to be considered as severally and on account of their individual possession and accordingly, the category of small or commercial has to be considered. He



further submits that MDMA is recovered from Devanshu Jain whereas D28 drugs were allegedly recovered from Ganesh Adwani and same is not part of recovery from present petitioner. He also submits that there are no chance of fleeing of applicant-accused from the jurisdiction of this Hon'ble Court. The applicant does not have any criminal antecedents, who is a young person. He further submits that petitioner is in custody since 02.09.2025 and trial will take its time, thus, the applicant may be enlarged on bail.

5. Learned Public Prosecutor has vehemently opposed the bail applications and submissions made by learned counsel for the applicant-accused. He submitted a report received from Police Station Jawahar Circle, Jaipur City (East).
6. Heard learned counsel for the petitioner and learned Public Prosecutor. Perused the material placed on record by both the parties.
7. On 02.09.2025, Kavita, in-charge Sub-Inspector, Police Station Bajaj Nagar, on an information from informer, reached near Royal Palm Apartments, Tonk Road, Mahaveer Nagar, where she detained and three persons Devanshu Jain, Tanishq Arora and Ganesh Adwani on suspicion of possessing contraband articles and after serving them a notice under Section 50 of NDPS Act, a recovery has been effected. As per report, 4.36 gram MDMA is recovered from Devanshu Jain, 6.91 gram cocaine in six plastic pouches and 4.9 gram hybrid foreign ganja were recovered from Tanishq Arora and 28 tablets of D28 (12.2 grams) and 64 ticket LSD (0.84 gram) were recovered from Ganesh Adwani. On



interrogation, they revealed that these drugs were purchased from Akash Pandit. Police has registered a case under Sections 8/20, 21, 25 and 29 of NDPS Act. Present petitioner-accused is arrested on 02.09.2025 and he is in custody since then.

8. During course of arguments, learned counsel for the petitioner has referred a fact that at the time of recovery, police has captured DVR and after deleting the recording (CCTV footage), the DVR was returned by police. This fact was also mentioned before trial court. In case of **Akhilak @ Vilsan vs. State of Rajasthan (supra)**, a Co-ordinate Bench of this Court while considering the term "commercial quantity" and "small quantity" as defined under the NDPS Act has opined that when recovery is effected separately during search, then same cannot be combined or shown as joint recovery to draw a conclusion of "commercial quantity". Herein in this case, a report submitted by police to Special Court on 11.09.2025 clearly indicates that separate recovery was effected from Devanshu Jain, Ganesh Adwani and present petitioner, thus considering the individual recovery, the Court has to draw a conclusion about recovered quantity as commercial or small. Herein the present case, the recovered quantity of cocaine and ganja is not commercial quantity, therefore, Section 37 of NDPS Act as opined by trial court is not applicable in the present case.
9. Having considered the submissions advanced on behalf of both parties and upon perusal of the material available on record, the Court finds that the grounds raised in support of



the bail application, coupled with other facts such as absence of any apprehension regarding absconding of applicant-accused, tampering with evidence, or influencing witnesses, it is justified to grant of bail.

10. Thus, the instant bail application filed on behalf of applicant-accused **Tanishq Arora S/o Shri Subhas Kumar Arora**, is hereby allowed and the applicant-accused is ordered to be released on bail with condition that he would furnish a personal bond of ₹50,000/- with two sureties of like amount to the satisfaction of the Trial Court with the following conditions:-

- (i) The applicant-accused shall not tamper with evidence or influence the witness in any manner.
- (ii) The applicant-accused shall not indulge in any criminal activity and shall not repeat any criminal offence punishable under the Law.
- (iii) The applicant-accused shall attend the hearing of the Trial Court on the date fixed by the Trial court or as and when asked to appear before the Trial Court.
- (iv) In case of any violation of above conditions, the bail granted to the applicant-accused shall be liable to be canceled.

11. The Registry is directed to send a copy of this order to the Trial Court through E-mail.

(ASHOK KUMAR JAIN),J

CHARU SONI /58