HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous Second Bail Application No. 12183/2026
CNR: RJHC020740642026 | URN: CRLMB / 22412U / 2026

Ratanlal S/o Bajeram, Aged About 21 Years, R/o Village Rooppuriya Tehsil Singoli District Neemach (Mp) (At Present Confined In Sub District Jail, Bhawani Mandi District Jhalawar (Raj).

----Accused-Petitioner

Versus

Central Bureau Of Narcotics, Through Special P.P.

----Respondent

Connected With

S.B. Criminal Miscellaneous Second Bail Application No. 12307/2026
CNR: RJHC020751312026 | URN: CRLMB / 22652U / 2026

Gotu Bheel S/o Gulab, Aged About 25 Years, R/o Village Agra, Tehsil Rawatbhata, District Chittorgarh, Rajasthan. (Presently Confined In Sub Jail Bhawanimandi).

----AccusedPetitioner

Versus

Central Bureau Of Narcotics, Through Special P.P.

----Respondent

For Petitioner(s)	:	Mr. Rohit Khandelwal in CRLMB No.12183/2026 Mr. Hemant Kumar Sharma in CRLMB No.12307/2026
For Respondent(s)	:	Mr. Tej Prakash Sharma, Special Public Prosecutor

---

HON'BLE MR. JUSTICE GANESH RAM MEENA

Order

03/09/2026

1. The petitioners have filed both the second bail applications under Section 483 B.N.S.S., arising out of F.I.R.

No.06/2025 registered with the Police Station CBN Bhawani Mandi, District Jhalawar for offence under Sections 8 and 15(C) of NDPS Act.

2. The first bail applications of the accused-petitioners were dismissed by this Court by a common order dated 09.04.2026 with liberty to the petitioners to file fresh bail application after examination of the Seizure Officer before the learned trial Court.

3. The learned counsels for the accused-petitioners submits that the Seizure Officer has been examined as PW-1. They further submit that the Seizure Officer in his cross-examination has clearly stated that he does not know whether both the motorcycles, on which the petitioners were stated to be coming with the alleged contraband, were coming together or separately at a distance. It is further stated by the Seizure Officer in his statement that two bags of the alleged contraband was on one motorcycle or one bag was on another motorcycle. The learned counsels further submit that as per the statement of the Seizure Officer, he is not sure that both the motorcycles were coming together and all the four accused were having the joint possession of the alleged contraband. The learned counsels further submit that if the contraband containing in two bags is taken separately then it will be less than the stipulated commercial quantity and in that situation, the provisions of Section 37 of the NDPS Act would not be attracted. They further submit that the accused-petitioners are in custody since 31.05.2025 and till date,

only one prosecution witness has been examined out of total seven. They also submit that the trial of the case is likely to take considerable time to conclude, therefore, the accused-petitioners may be enlarged on bail.

4. Learned Special Public Prosecutor has vehemently opposed prayer made by the learned counsels appearing for the accused-petitioners and submits that the alleged contraband, recovered from the possession of all the accused-petitioners who were coming on two motorcycles separately, is more than the commercial quantity.

5. Considered the submissions made by the learned counsels for the accused-petitioners as well as the learned Special Public Prosecutor and also perused the challan papers and so also the statement of the Seizure Officer, recorded during his examination before the learned trial Court.

6. On consideration of the statement of the Seizure Officer, it is revealed that he is not sure that whether both the motorcycles, on which the alleged contraband was being transported by the accused-petitioners, were coming together or separately. If both the motorcycles were at a distance, then in that situation, it cannot be said that all the accused-petitioners are having joint possession of the alleged contraband.

7. As per the statement of the said Seizure Officer, two bags were there on one motorcycle and one bag was on another motorcycle. If the alleged contraband containing in two bags is taken separately then the quantity will be less than the stipulated

commercial quantity.

8. The Hon'ble Apex Court in the case of ***Puranmal Jat Vs. State of Rajasthan*** in ***Criminal Appeal No.3394/2023 arising out of SLP (Crl.) No.10670/2023*** decided on ***02.11.2023*** has enlarged the accused therein on bail and observed as under:-

> *"The allegations against the appellant relate to commission of offence under the provisions of Sections 8 and 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter called "the Act"). Alleged recovery from him is about 35 kgs. and 150 grams Doda Posh (Poppy straw). The commercial quantity for poppy straw is 50 kgs. The appellant is in custody for over seven months. Charge-sheet has been submitted in the case. The recovered contraband item having weight less than the stipulated commercial quantity, the restriction on grant of bail under Section 37 of the Act does not apply in his case. We do not think his continued detention pending trial is necessary in the given circumstances."*

9. Taking into consideration the overall facts and circumstances of the case, so also the fact that the accused-petitioners are in custody since 31.05.2025 and only one prosecution witness, out of total seven, has been examined so far, this Court without expressing any opinion on the merits and demerits of the case, deems just and proper to enlarge the accused-petitioners on bail.

10. Accordingly, both the second bail applications are allowed and it is directed that accused-petitioners shall be

released on bail provided each of them furnishes a personal bond in the sum of Rs.1,00,000/- (Rupees One Lac only) together with two sureties in the sum of Rs.50,000/- (Rupees Fifty Thousand only) each to the satisfaction of the trial Court with the stipulation that they shall appear before that Court and any Court to which the matter be transferred, on all subsequent dates of hearing and as and when called upon to do so.

11. Registry is directed to place a copy of this order in connected bail application.

(GANESH RAM MEENA),J

1-2/ARTI SHARMA