HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous Second Bail Application No. 13405/2026
CNR: RJHC020823902026 | URN: CRLMB / 24810U / 2026

Kedar Thapa S/o Ranbahadur, Aged About 54 Years, R/o Games Village Lal Mati Police Station Vasistha, District Kaamroom (Assam), Presently Confined At Distt. Jail Baran.

----Petitioner

Versus

State Of Rajasthan, Through PP

----Respondent

For Petitioner(s)	:	Mr. P.C. Sharma, Mr. Raj Singh, Ms. Arpita Joshi, Mr. Ravi Kumar Saini
For Respondent(s)	:	Mr. Rishi Raj Singh Rathore, P.P.

HON'BLE MR. JUSTICE GANESH RAM MEENA

Order

08/09/2026

1. The instant second bail application has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 on behalf of accused-petitioner in connection with F.I.R. No. 30/2021, registered at Police Station- Shahabad, District- Baran, Jaipur for offences punishable under Sections 8, 15 and 29 of the NDPS, Act.

2. Learned counsel for the petitioner submits that accused-petitioner has been implicated in this case merely being registered owner of the vehicle in question.

3. Learned counsel for the petitioner further submits that the Co-ordinate Bench of this Court in case of **Aniket Vs. State of Rajasthan (S.B. Criminal Misc. (petition) No. 3023/2025)**

decided on 23.07.2026 has held that if sufficient material is not available on record against a person to prosecute him for the offence punishable under Section 8/25 of the NDPS Act, inasmuch as mere registration of the vehicle in the name of an accused, is not enough to infer that he is knowingly permitted a vehicle to be used in commission of an offence under Section 8/25 of the NDPS Act and quashed the proceedings.

4. Learned counsel for the petitioner submits that in the present case the petitioner has been implicated as an accused only being a registered owner whereas, the petitioner by way of an agreement dated 15.10.2019 has sold the vehicle to one Mangi Lal and therefore he does not know who is using that vehicle and for what purpose. Learned counsel further submits that there is no evidence collected by the Police during investigation of any nature that the petitioner was in any manner remain connected with the possession of the vehicle-in-question and its use.

5. Learned counsel further submits that two other co-accused, namely; Deepak and Kamlesh who were found in the vehicle at the time of recovery of the alleged contraband in their interrogation note have ever stated that they were having any connection with the petitioner as regards handing over the vehicle to them or they were his employee. Learned counsel further submits that accused-petitioner is in custody since 12.09.2025.

6. Learned counsel Public Prosecutor, on the other hand, opposed the bail application and submits that the alleged contraband recovered from the vehicle in question registered in the name of the petitioner is above from commercial quantity and

therefore, provisions of Section 37 of the NDPS Act would be attracted.

7. Considered the submissions made by the counsel for the petitioner as well learned public prosecutor and also perused the material made available on record.

8. As far as the record is concerned, accused-petitioner has been implicated in this case being registered owner of the vehicle from which the alleged contraband has been recovered when it was in possession of two co-accused persons namely; Deepak and Kamlesh.

9. In the interrogation note of the co-accused persons namely; Deepak and Kamlesh it has nowhere been stated that they have been ever engaged by the petitioner or they have any connection with the petitioner. As per the version of co-accused-Deepak, he was handed over the vehicle by one Puran resident of Chikada on instructions of one Harish Tak resident of Bhagwanpura, thana- Nimbahera.

10. In the version of co-accused-Kamlesh also there is no reference of the present accused-petitioner as regards any connection with him.

11. Learned Public Prosecutor is also not in a position to show that there is any evidence on record collected during investigation to show that the accused-petitioner was in any manner having knowledge of the use of vehicle-in-question which is registered in his name.

12. Taking into consideration the overall facts and circumstances of the case as stated above and so also observation of the Co-ordinate Bench in case of **Aniket (Supra)**, this Court

without expressing any opinion on the merits or demerits of the case, deems it just and proper to enlarge the accused-petitioner on bail.

13. Accordingly, the present bail application is allowed and it is directed that the accused-petitioner shall be released on bail provided that he furnishes a personal bond in the sum of Rs.1,00,000/- (Rupees One Lax Only) together with two sureties in the sum of Rs. 50,000/-(Rupees Fifty Thousand Only) each to the satisfaction of the learned Trial Court with the stipulation that he shall appear before that Court or any Court to which the matter is transferred, on all subsequent dates of hearing and as and when called upon to do so.

(GANESH RAM MEENA),J

2/SHRUTI SHARMA