HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous Bail 2nd Application No. 13793/2026
CNR: RJHC020850472026 | URN: CRLMB / 25594U / 2026

Sunita W/o Shri Mukesh @ Choti, Aged About 34 Years, R/o Sansi Basti, Bhagwanganj, Ramganj, Ajmer. (At Present In Central Jail, Ajmer).

----Petitioner

Versus

The State Of Rajasthan, Through PP

----Respondent

For Petitioner(s)	:	Ms. Mudita Sharma
For Respondent(s)	:	Mr. Tapesh Agrawal, PP

HON'BLE MR. JUSTICE GANESH RAM MEENA

Order

07/09/2026

1. Petitioner has filed this second bail application under Section 483 B.N.S.S., arising out of F.I.R. No. 045/2026, registered with the Police Station Ramganj (Ajmer), Distt. Ajmer for offence under Sections 8 and 22 of NDPS Act.

2. The first bail application of the petitioner was dismissed as withdrawn vide order dated 08.04.2026, with liberty to file fresh bail application after completion of the investigation.

3. As per the facts on record, the allegation against the accused-petitioner is that she was going on a scooty along with her husband, who was driving the scooty and on interception by the Police, a small packet was found during search from the pocket of the husband of the petitioner, which said to have contained MD powder weighing about 97.49 gms.

4. It is submitted by counsel for the accused-petitioner that the present accused-petitioner had nothing to do with the alleged contraband. It is further submitted that she was only a pillion rider along with her husband and she was even not knowing whether her husband was possessing any contraband.

5. Learned counsel for the accused-petitioner also submits that the petitioner is a lady and is in custody since 21.02.2026 and no other case is pending against her. She further submits that the provisions of the BNSS, 2023 also provides for liberal view towards grant of bail to a woman.

6. Learned Public Prosecutor has vehementaly opposed the bail application and states that since the alleged contraband involved in the present case is above than the commercial quantity and therefore provisions of Section 37 of the NDPS Act will not be attracted.

7. As far as the allegations against the accused petitioner are concerned, nothing is said to be recovered from her own possession, but the alleged contraband is recovered from the possession of her husband, who was on the same scooty and the accused-petitioner was only a pillion rider. The accused-petitioner is a woman and she is in custody since 21.02.2026.

8. Considered the submissions made by counsel for the petitioner as well as learned Public Prosecutor and also renewed the material made available on record.

5. In view of the facts and circumstances of the case and more

particularly the fact that the petitioner is a woman and she is in custody since 21.02.2026 and nothing has been recovered from her own possession, this Court without expressing any opinion on the merits or demerits of the case, deems it just and proper to enlarge the petitioner on bail.

6. This second bail application is, accordingly, allowed and it is directed that accused-petitioner shall be released on bail provided she 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 she 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.

(GANESH RAM MEENA),J

5/RAVINDRA