HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 8117/2025
CNR: RJHC021090402025 | URN: CRLMP / 18657U / 2025

1. Abhishek Sharma S/o Ashok Sharma, Aged About 26 Years, R/o Main Market, Thanagazi, District Alwar
2. Mukesh S/o Rambabu, Aged About 35 Years, R/o Main Market, Thanagazi, District Alwar
3. Sardara S/o Kanaram, Aged About 75 Years, R/o Kansala Ki Dhani, Thanagazi, District Alwar

----Petitioners

Versus

The State Of Rajasthan, Through Public Prosecutor

----Respondent

Connected With

S.B. Criminal Miscellaneous (Petition) No. 7627/2025
CNR: RJHC021023492025 | URN: CRLMP / 17620U / 2025

1. Abhishek Sharma S/o Ashok Sharma, Aged About 26 Years, R/o Main Market, Thanagazi, District Alwar.
2. Mukesh S/o Rambabu, Aged About 35 Years, R/o Main Market, Thanagazi, District Alwar.
3. Sardara S/o Kanaram, Aged About 75 Years, R/o Kansala Ki Dhani, Thanagazi, District Alwar.

----Petitioners

Versus

State Of Rajasthan, Through Public Prosecutor.

----Respondent

S.B. Criminal Miscellaneous (Petition) No. 8118/2025
CNR: RJHC021090192025 | URN: CRLMP / 18659U / 2025

1. Abhishek Sharma S/o Ashok Sharma, Aged About 26 Years, R/o Main Market, Thanagazi, District Alwar
2. Mukesh S/o Rambabu, Aged About 35 Years, R/o Main Market, Thanagazi, District Alwar
3. Sardara S/o Kanaram, Aged About 75 Years, R/o Kansala Ki Dhani, Thanagazi, District Alwar

----Petitioners

Versus

The State Of Rajasthan, Through Public Prosecutor

----Respondent

For Petitioner(s)	:	Mr. Kailash Chand Sharma
For Respondent(s)	:	Mr. Manvendra Singh Shekhawat, PP

HON'BLE MR. JUSTICE VINOD KUMAR BHARWANI

Order

08/09/2026

The present miscellaneous petitions have been preferred by the petitioners under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), assailing the order dated 04.11.2025 passed by the learned Additional Sessions Judge, Thanagazi, District Alwar, whereby the application preferred by the prosecution under Section 311 Cr.P.C. for adding the name of a witness to the witness list, the application under Section 242 Cr.P.C. for taking the FSL report on record, and the application under Section 242 Cr.P.C. for taking on record the order relating to disposal of the seized material along with the list, were allowed.

Learned counsel appearing for the petitioners submits that the disposal committee constituted by the Department was not constituted in accordance with law and although the alleged recovery of drugs was of 24.200 KG, the quantity actually destroyed was 14.800 KG. He further contends that the FSL report was received subsequently and has been taken on record which is contrary to the law, therefore, the impugned order deserves to be set aside.

Per contra, learned Public Prosecutor opposes the petitions and submitted that the trial is presently at the stage of prosecution evidence and the FSL report was received subsequently and the seized material was also destroyed at a later stage. He further submitted that the documents sought to be taken on record are material and relevant to the case. The petitioners shall have an adequate opportunity to cross-examine the concerned witnesses with regard to the said documents and, therefore, no prejudice is likely to be caused to the defence. It is further submitted that the order passed by the learned Trial Court does not suffer from any illegality, infirmity or jurisdictional error warranting interference by this Court.

Heard learned counsel for the petitioners as well as learned Public Prosecutor and perused the material available on record, including the impugned order dated 04.11.2025.

A perusal of the impugned order reveals that the learned Trial Court has considered the rival submissions and has passed a reasoned and detailed order while allowing the applications preferred by the prosecution. The documents sought to be taken on record are stated to have been received/prepared subsequently and are relevant to the prosecution case. The trial is still at the stage of prosecution evidence and the petitioners shall have full opportunity to contest the said documents and to cross-examine the concerned witnesses in accordance with law.

At this stage, this Court finds no illegality, perversity or infirmity in the impugned order warranting interference in exercise

of jurisdiction under Section 528 BNSS. The apprehension of prejudice to the petitioners are also not sufficient to interfere with the order, particularly when the petitioners shall have an opportunity to meet the documents and material brought on record during the course of trial.

Consequently, the present miscellaneous petitions, being devoid of merit, are dismissed.

(VINOD KUMAR BHARWANI),J

20-22/SAURABH