


HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous Bail Application No. 5212/2026

Inayat @ Bittu S/o Altaf, Aged About 25 Years, R/o Lanka Talai, Suket, Tehsil Ramganjmandi, Dist. Kota. (Presently Confined In Sub Jail Ramganjmandi).

-----Petitioner

Versus

State Of Rajasthan, Through PP

-----Respondent

For Petitioner(s) : Mr. Amit Dadhich
For Respondent(s) : Mr. Vijay Singh Yadav, PP

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

05/05/2026

1. The present bail application under Section 483 of BNSS is filed by the applicant-accused **Inayat @ Bittu S/o Altaf**, seeking bail in respect of a criminal case registered as FIR No.45/2026 dated 15.02.2026 registered at P.S. Suket District - Kota Rural, for the offence under Sections 8/20 and 8/21 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 further submits that there are no chance of fleeing of applicant accused from the jurisdiction of this Hon'ble Court. He also submits that the applicant undertakes not to repeat offence and cooperate with trial, which will take time.

3. Learned counsel for the petitioner submits that no recovery was effected during search and seizure operation conducted by the police and the present petitioner was falsely implicated as he was travelling with two other persons from whom the recovery was effected. He further submits that after investigation, a charge sheet has been filed and no recovery was claimed by the police. He also referred order dated 28.03.2026 and submits that one of the accused, from whom the recovery was effected, was already enlarged on bail by a Coordinate Bench of this Court. He further submits that one criminal case was registered against the petitioner and same is pending before the trial Court.
4. Learned Public Prosecutor has vehemently opposed the bail application and submitted that the allegations are grave and serious in nature. He has also filed a report received from concerned Police Station.
5. Heard learned counsel for the petitioner-accused and learned Public Prosecutor. Perused the material placed on record by both the parties.
6. On 15.02.2026, SHO PS Suket, District Kota Rural has found three persons in suspicious condition and after stopping them, served a notice under Section 50 of the NDPS Act upon them. After search of their persona, recovered MD (Methamphetamine) from Arbaj @ Kadva and Charas from Aaftaf @ Raja but did not recovered any contraband (or illegal) from Inayat @ Bittu. After drawing a memo, has arrested all three persons and registered FIR No.45/2026 on 15.02.2026 under Sections 8/20 and 8/21 of NDPS Act. After

investigation, police has filed charge sheet against all three persons but kept pending against two other persons under Section 193(9) of BNSS.

7. A Coordinate Bench of this Court has already allowed bail application of Aaftab on 28.03.2026. In the instant case, neither there was any recovery nor the petitioner was travelling in a vehicle along with two other persons from whom recovery was effected, but still he has been forwarded to face a trial in charge sheet under Sections 8/20 and 8/21 of NDPS Act, as the petitioner was just accompanying, two other persons who were having contraband articles in their possession. Since charge sheet is filed, the trial court is required to examine the issue even at the stage of charge whether the material forwarded by police is sufficient to frame a charge or not. The trial Court is also under an obligation to give effect to Section 273 of BNSS (corresponding Section 250 of CrPC), and to consider awarding compensation, in case of discharge.
8. Upon hearing the arguments and perusing the record, we have found that the applicant-accused is no more required in the investigation and he is in custody for quite some time. The further proceedings will take its own time, therefore, looking to entirety of facts and circumstances of the case and without expressing any opinion on merits of the case, the Court deems it appropriate to grant bail to the applicant-accused, Inayat @ Bittu.
9. Thus, the instant bail application filed on behalf of applicant-accused **Inayat @ Bittu S/o Altaf**, is hereby allowed and

the applicant-accused is ordered to be released on bail upon furnishing 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.

10. Till date, two accused have been granted bail by this Court but the third one is still not enlarged on bail as it has been stated in the Court that he has not been applied for bail.
11. The Secretary, DLSA is advised to appoint or direct Legal Aid counsel to represent the person if he is still unrepresented.
12. A copy of this order be sent to the DGP, Rajasthan to consider the observation para No.7 of this order, as charge sheet is forwarded against present petitioner under Sections 8/20 and 8/21 of NDPS Act, that too without any recovery. There is no conclusion about conspiracy or abatement against the petitioner.

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

(ASHOK KUMAR JAIN),J

MR/21