



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT  
JODHPUR**

S.B. Criminal Miscellaneous Bail Application No. 12055/2024

Jassa Ram @ Jasa Ram @ Jasiya @ Jaswant @ Jasu S/o Ratna Ram, aged About 35 Years, R/o Bayatu Panji, P.S. Bayatu, District Balotra, At Present Residing At Baldev Nagar, Barmer, P.s. Riico Area, Barmer  
(At Present Lodged in Dist. Jail, Pali)

-----Petitioner

Versus

State Of Rajasthan, Through PP

-----Respondent

---

For Petitioner(s) : Mr. Kunal Upadhyay – on VC with  
Mr. Kaushik Dave  
For Respondent(s) : Mr. Narendra Singh Champawat, PP

---

**HON'BLE MR. JUSTICE RAJENDRA PRAKASH SONI**

**Order**

**Reportable**

**08/10/2024**

1. The prayer made in this bail petition filed under Section 439 of the Code of Criminal Procedure (Section 483 of new Code) is for grant of bail in connection with crime registered pursuant to First Information Report Number 09/2022 of Police Station Sadar District Pali in respect of offence(s) punishable under Section(s) 8/15 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. This Court has carefully perused the record as well as considered the submissions made by learned counsels for the parties.



3. Shri Kunal Upadhyay, learned counsel representing the petitioner vehemently urged that petitioner is innocent person and a false case has been foisted against him; that entire allegations so leveled by the police against the petitioner is totally false and baseless; that nothing has been recovered from possession of the petitioner. Contrary to it, learned Public Prosecutor for the State has strongly objected the different submissions made by learned counsel for the applicant and submitted that contraband recovered from the petitioner falls within the ambit of commercial quantity and the bar as contained in Section 37 of the NDPS Act is attracted. He further submits that shortcomings pointed out by the learned counsel for the petitioner cannot be considered at this stage. Therefore, petitioner does not deserve to be released on bail.

4. I have given my anxious consideration to the rival submissions with reference to material placed before me.

5. On perusal of the record and upon consideration of the submissions, it would be clear that according to the facts of this case, on the night of 13.01.2022, an unnumbered Isuzu vehicle was found parked near the Rajasthan-Haryana Hotel at Hemawas Tiraha. The vehicle had a punctured tire and there were bullet marks on the driver's side door, with blood found on the driver's seat. Hotel owner Deshraj Gurjar reported that two individuals had parked the vehicle a short while earlier and fled towards Ramsia village. Upon searching the vehicle, 964 kg of contraband poppy straw was recovered. During the investigation, it was found that "Jai Bholenath Sabji Bhandar" and a mobile phone number was



written on the vehicle. The vehicle owner petitioner Jasraj was identified as the driver during the contraband transport. He allegedly fired at the Guda Endla police party, drove the vehicle through a blockade, parked it at the hotel and fled the scene. He was also absconding from his permanent residence. When apprehended later, he confessed to his involvement in the incident. A charge sheet has been submitted following the investigation.

6. Perusal of record reveals that in the present case, no contraband was recovered directly from the petitioner. The contraband was found in an abandoned vehicle, which prima-facie creates uncertainty about the petitioner's actual involvement. There are no independent witnesses linking the petitioner directly to the transportation of contraband. His mere ownership or connection to the vehicle does not conclusively imply his knowledge or actual involvement in the crime. Confessions made by petitioner to police officer while he was in custody are not admissible as evidence under Section 25 of the Indian Evidence Act. Any confession made in police custody might have been made under duress or pressure, making it unreliable.

7. Based on the facts, I am of the considered view that the petitioner has substantial grounds to challenge the prosecution's case and the rigor of Section 37 of the N.D.P.S. Act is duly satisfied. Given that the trial is likely to take considerable time, I am inclined to grant the petitioner the indulgence of bail at this stage.



8. Consequently, the present bail application is allowed and it is directed that the accused-petitioner **Jassa Ram @ Jasa Ram @ Jasiya @ Jaswant @ Jasu S/o Ratna Ram**, arrested in connection with the F.I.R. No.09/2022 of Police Station Sadar District Pali shall be released on bail provided he furnishes a personal bond and two surety bonds of sufficient amount to the satisfaction of the learned trial court with the stipulation to appear before that Court on all dates of hearing and as and when called upon to do so. This order is subject to the condition that accused, within 7 days of his release, and sureties on the day of furnishing bail, will also furnish details of their all bank accounts, with bank and branch name, in shape of an affidavit, and submit legible copy of their Aadhar cards as well as copy of front page of Bank pass book, for smooth recovery of penalty amount, if there arise a need for recovery of penalty under Section 446 Cr.P.C in future.

**(RAJENDRA PRAKASH SONI),J**

Anshul/-