



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

S.B. Criminal Miscellaneous Bail Application No. 11801/2025

Kaka Singh S/o Sarenaram, Aged About 50 Years, Resident Of 20
Kyd, P.s. Khajuwala, Dist, Bikaner C/r Ward No. 06 Bhagatpura
P.s. Sangria, Dist. Hanumangarh. (At Present Lodged In Jail,
Hanumangarh)

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s) : Mr. Sanjeev Beniwal
For Respondent(s) : Mr. Sameer Pareek, PP
Mr. Lal Bahadur Chand, SI, PS-
Goluwala, District-Hanumangarh

HON'BLE MR. JUSTICE SUDESH BANSAL

Order

26/11/2025

1. The instant bail application has been filed under Section 483 BNSS in connection with the FIR No. 388/2024, registered at Police Station Sangria, District Hanumangarh, for the offences under Sections 8/15 and 25 of NDPS Act.
2. Heard counsel for the petitioner and learned Public Prosecutor, who is assisted by Investigating Officer of the case and perused the case diary.
3. It has transpired after hearing both the parties and from perusal of the record that petitioner has been implicated in the present FIR after a period of about six months, drawing a presumption that on 24.06.2024, after seeing the police party he fled from the scene, leaving motorcycle at spot, and from the motorcycle 20 kgs of poppy-straw (less than commercial quantity) was recovered.



4. Learned counsel for the petitioner drew attention of this Court that in the FIR itself the person who fled from the motorcycle was identified by the police constables Mr. Daulat Ram and Hari Ram as Jitendra Singh S/o Major Singh. In the subsequent statement of Daulat Ram and Hari Ram, they again deposed the name of Jitendra Singh but charge-sheet against Jitendra Singh was kept pending and later on, on the basis of an unstamped affidavit of Jitendra Singh dated 02.01.2024 that indeed the person who fled from motorcycle was not Jitendra Singh but the present petitioner, namely, Kaka Singh. Jitendra Singh has been exonerated from the present case and the present petitioner has been implicated merely on the basis of affidavit of Jitendra Singh.

5. Counsel for the petitioner pointed out that nothing has come on record to link the present petitioner-Kaka Singh with one Mr. Jitendra Singh or other co-accused, neither any call details/whats app chats nor any kind of money transaction between them has been found. Learned counsel further submits that at the time of registration of present FIR bearing no. 388/2024, registered on 24.06.2024, the antecedent of petitioner was zero, however, later on, petitioner has also been implicated for an another recovery of contraband from his house but for that a subsequent FIR bearing no. 392/2024 has been registered on 28.06.2024 and he has been made accused in that FIR. Counsel further submits that the registration of subsequent FIR bearing no. 392/2024, cannot be treated as a criminal antecedent of the petitioner while considering his case for the bail in the present FIR bearing no. 388/2024 and the manner in which petitioner has been implicated





in the present FIR shows connived and unfair by the police investigation by the police just in order to exonerate Jitendra Singh and implicate petitioner in the present FIR. In view of the above, the counsel prays that the petitioner may be enlarged on bail by this Court.

6. *Per contra*, learned Public Prosecutor having been assisted by the Investigating Officer, failed to show any connecting evidence to implicate the petitioner in the present FIR no. 388/2024 except on the basis of the affidavit of Jitendra Singh dated 02.01.2024. Investigating Officer Mr. Lal Bahadur Chand, SI, stated that prior to him another Investigating Officer namely Mr. Jagdish, SI, made the investigation in the present FIR.

7. Considering the totality of facts and circumstances, *prima facie* this Court finds that even if the case of the prosecution against the petitioner in the present FIR bearing No. 388/2024 is taken as it is, the recovery made from the motorcycle is of 20 kgs poppy-straw (less than commercial quantity); at the time of registering this FIR, petitioner did not have any criminal antecedent; there is no linking evidence to implicate the petitioner in the present FIR except one unstamped affidavit of Jitendra Singh; the subsequent recovery alleged to have been made from the house of petitioner has no nexus with the present FIR since subsequent FIR was registered on 28.06.2024, however, without commenting on merits of this case, this Court deems it just and proper to grant benefit of bail to the present petitioner.

8. Accordingly, the bail application under Section 483 BNSS is allowed and it is ordered that the accused-applicant **Kaka Singh S/o Sarenaram** arrested in connection with FIR no. 388/2024





shall be enlarged on bail, provided he furnishes a personal bond in the sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the learned trial Court for his appearance before the court concerned on all the dates of hearing as and when called upon to do so.

9. Before parting with, in the given facts and circumstances, it is hereby observed that investigation in the present FIR seems to be biased, connived and unfair to the extent of exonerating Mr. Jitendra Singh, hence, this Court deems it just and proper to direct the Superintendent of Police, Hanumangarh to look into the matter and the camouflage done by the Investigating Officers namely Mr. Lal Bahadur Chand, SI (present IO) and Mr. Jagdish, SI, (the then IO) be examined, which is apparent on record, as exoneration of Jitendra Singh based on his unstamped affidavit and implication of the present petitioner prima facie appears to be tainted with malafides, hence, an inquiry be made and if on an inquiry, the Investigating Officers are found at fault, appropriate action including issuance of charge-sheet, be taken against them, for misusing their power and post and conducting the investigation unfairly.

10. Accordingly, the instant misc. bail application stands disposed of.

11. Registrar (Judicial) is directed to send the copy of this order to Superintendent of Police, Hanumangarh and take updates of follow up action as per direction.

(SUDESH BANSAL),J

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