



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

S.B. Criminal Misc(Pet.) No. 609/2022

Jai Singh S/o Pemaram, Aged About 48 Years, Baskaliyasar, P.s.
Malsisar, Teh. Malsisar, Dist. Jhunjhunu.

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Dinesh Kumar Swami S/o Sanwarmal, R/o Khyali Malsisar
Jhunjhunu Raj.

-----Respondents

Connected With

S.B. Criminal Misc(Pet.) No. 7092/2021

1. Balveer Singh S/o Shri Khula Ram, Aged About 51 Years,
R/o Pandreu Tibba, Tehsil Taranagar, District Churu.
2. Dinesh Kumar S/o Shri Sanwarmal, Aged About 46 Years,
R/o Village Khyali, Ps Malsisar, District Jhunjhunu.

-----Petitioners

Versus

1. State Of Rajasthan, Through Pp
2. Station House Officer, Police Station Ratangarh, District
Churu.

-----Respondents

For Petitioner(s)	:	Mr. R.K. Charan Mr. Vikas Bijarnia
For Respondent(s)	:	Mr. Vikram Singh Rajpurohit, Dy.G.A. Mr. Ravindra Singh, AGA Mr. Saleh Mohd. Dy.S.P. IO SOG Jaipur

HON'BLE MR. JUSTICE FARJAND ALI

Order

Order

ORDER RESERVED ON	:::	07/02/2025
ORDER PRONOUNCED ON	:::	12/05/2025
BY THE COURT:-		



1. These two Misc. Petitions have been preferred by the petitioner Jai Singh and Balveer Singh seeking quashing of the FIR No.191/2020 registered at the Police Station Ratangarh District Churu for the offence under Sections 8/18, 29 and 59 of NDPS Act.

2. It is a very unique case of unlawful activities and exercise of power by the members of Law Enforcing Authority and Preventive Team. Even a glance at the first information report manifests illegal retention of opium by the police constable since, as per the report, the alleged recovery was made on 21-06-2020 and it was reported to their own police station on 25-06-2020. Very dicey circumstances are appearing and the role played by the petitioner is required to be investigated thoroughly and incisively.

3. Petitioner Balbir Singh is the person who lodged the report along with the contraband after keeping it himself for four days. Petitioner Jai Singh was the member of the team who intercepted a vehicle and whereafter contraband came to be taken into possession. Even having possession of contraband itself is an offence, if either there is licence or there is any authority under the law to keep it detained. A fair practice demands immediate and prompt report of the matter to the superior officers and furnishing of information to the police station.

4. Different layers of investigation conducted so far prima facie strongly suggesting indulgence of the petitioners in commission of crime. As per the report dated 04-02.2025 sent by SHO Police Station Ratangarh and submitted by Shri Vikram Singh Rajpurohit, Dy.G.A., the allegations of unlawful possession and mishandling of opium have been found proved. Petitioner Balbir Singh has been



arrested and since sent to the judicial custody and trial against him is underway. Involvement of petitioner Jai Singh is at writ large and the report speaks about it, however, he is deliberately evading arrest.

5. The FIR discloses the commission of a cognizable offence and the investigation has yielded sufficient material to justify further proceedings. This Court, while exercising jurisdiction under Section 482 of the Code of Criminal Procedure, 1973, is not expected to assess or weigh the evidence or embark upon a meticulous inquiry into disputed facts. The power under Section 482 CrPC is to be exercised sparingly and only in exceptional cases where continuation of the proceedings would amount to abuse of the process of law.

6. Upon careful consideration of the materials on record and the submissions made, no case is made out for quashing of the FIR at this stage.

7. Accordingly, the instant Misc. Petitions are dismissed. The stay petitions are disposed of.

(FARJAND ALI),J

5-Mamta/-