



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

S.B. Criminal Writ Petition No. 770/2026

Vijay Meena S/o Gautam Lal, Aged About 24 Years, Resident Of Chhoti Undari, Police Station Nai, District Udaipur, Rajasthan Through His Natural Guardian Father Gautam Lal S/o Kesa Meena, Resident Of Chhoti Undari, Police Station Nai, District Udaipur, Rajasthan. (At Present Lodged In Central Jail Udaipur)

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Mukesh Soni, Inspector, Posted As Station House Officer, Police Station Ambamata, District Udaipur, Rajasthan.
3. The Superintendent Of Police, Udaipur
4. Inspector General Of Police, Udaipur.
5. The Director General Of Police, Rajasthan
6. Chetan Das S/o Rodi Das, Posted As Constable No.330, Police Station Ambamata, Udaipur.
7. Alok Kumar S/o Chimna Ram Budaniya, Posted As Constable No.778, Police Station Ambamata, Udaipur

-----Respondents

For Petitioner(s) : Mr. Yogendra Singh Charan for
Mr. Abhimanyu Singh

For Respondent(s) : Mr. Vikram Rajpurohit, Dy.G.A.
Mr. Karan Singh CI
Mr. Mukesh Soni, CI
PS Ambamata, Udaipur

HON'BLE MR. JUSTICE FARJAND ALI

Order

DATE OF CONCLUSION OF ARGUMENTS	17/03/2026
DATE ON WHICH ORDER IS RESERVED	17/03/2026
FULL ORDER OR OPERATIVE PART	Full Order
DATE OF PRONOUNCEMENT	10/04/2026

REPORTABLE

BY THE COURT:-



1. The instant Writ Petition has been filed by the petitioner under Article 226 of the Constitution Of India for quashing the entire proceedings pertaining to charge sheet No.01/2025 filed against him for offence under Sections 8/20, 25 & 29 of the NDPS Act.

2. The factual matrix, as it emerges from the record, is that on 08.04.2025, Mukesh Soni, then Station House Officer of Police Station Ambamata, Udaipur, purportedly received a piece of secret information to the effect that one Vishal had taken a house on rent in Eklavya Colony, Hitesh Nagar, within the jurisdiction of Ambamata, Udaipur, and that the said premises was being utilized for stocking illegal contraband, namely ganja. Acting upon the said information, the police personnel, after allegedly complying with the procedural formalities envisaged under the provisions of the NDPS Act, 1985, constituted a team and proceeded to the indicated premises.

2.1. It is alleged that upon reaching the spot at around 5:00 PM, the police party found two rooms on the ground floor to be locked. Upon gaining entry, they discovered eight bags stored therein. The persons present at the spot were asked to disclose their identities, whereupon they revealed their names as Vishal Rawat, Dinesh Bheel, Vijay Meena (the present petitioner), and Kishan Bheel. Upon opening the said bags, they were found to contain alleged contraband (ganja), which, upon weighing, amounted to a total of 55.526 kilograms. The same was thereafter seized in accordance with law.





2.2. Consequent thereto, FIR No. 157/2025 came to be registered at Police Station Ambamata, Udaipur, and investigation was set into motion. The petitioner, along with other co-accused persons, came to be arrested and is presently confined in Central Jail, Udaipur. Upon culmination of the investigation, a charge-sheet was filed on 03.10.2025.

2.3. The prosecution case further alleges that during the course of search, certain incriminating articles such as SIM cards, mobile phones, and ATM cards were recovered from the possession of the accused persons. However, the petitioner, while assailing the prosecution narrative, has set forth a diametrically opposite version of events. It is contended that the entire case is a fabrication and the petitioner has been falsely implicated. According to the petitioner, he was unlawfully detained from his own residence at approximately 4:13 PM on the same day, which fact is asserted to be corroborated by CCTV footage. It is further alleged that subsequent to such detention, the petitioner was forcibly taken by the police personnel to another premises where the alleged contraband had already been planted, and thereafter, in a premeditated manner, the FIR was registered at about 5:00 PM, falsely depicting his presence at the scene of recovery.

2.4. It is emphatically urged that the petitioner has no nexus whatsoever with the premises from which the alleged contraband was recovered, and his implication in the case is nothing but a result of a deliberate and orchestrated attempt on the part of the investigating agency.





2.5. It is further averred that despite being apprised of the true facts, including the alleged unlawful detention of the petitioner, the investigating agency proceeded to arrest him. The father of the petitioner is stated to have submitted a detailed representation before the Superintendent of Police, Udaipur, highlighting the innocence of the petitioner and the falsity of the allegations; however, no remedial action has been taken thereon. Hence, the instant Misc. Petition.

3. I have heard the counsel for the parties and gone through the material as made available to this Court.

4. Upon a considered evaluation of the submissions advanced and the material placed on record, this Court is of the view that the substratum of the petitioner's challenge essentially rests upon disputation of the prosecution narrative, particularly with regard to the authenticity and credibility of the seizure and arrest memos, as well as the alleged sequence of events culminating in his implication.

4.1 It is trite that the criminal justice process unfolds in a well-defined procedural continuum, commencing from investigation, followed by submission of the police report under Section 173 Cr.P.C., taking of cognizance by the competent court, framing of charges, recording of prosecution evidence, and thereafter affording the accused an opportunity to enter upon defence. The stage of adjudication of rival factual claims and appreciation of evidence is thus statutorily reserved for trial.





4.2 The petitioner, in essence, seeks pre-trial adjudication of disputed questions of fact by inviting this Court to test the veracity of the prosecution case, particularly on the premise that the recovery is fabricated and that he was unlawfully detained prior to the alleged seizure. Such contentions, being intrinsically evidentiary in nature, necessarily require a full-fledged trial wherein the prosecution evidence is subjected to cross-examination and the defence is afforded an opportunity to substantiate its version.

4.3 The contention of the petitioner regarding discrepancies in the timing and preparation of memos, as well as the plea of false implication, constitute matters squarely falling within the domain of trial appreciation. These aspects pertain to the credibility, trustworthiness, and evidentiary value of the documents prepared during investigation, which cannot be conclusively adjudicated in writ jurisdiction without a detailed evidentiary inquiry.

4.4 It is further observed that, as per the prosecution case, a substantial quantity of contraband (ganja) has been recovered, and there is no categorical material on record at this stage to conclusively establish that the recovery was pre-planned, foisted, or fabricated. The alleged inconsistencies highlighted by the petitioner, at best, raise triable issues requiring adjudication by the trial court upon appreciation of evidence.

4.5 This Court is, therefore, of the considered opinion that entering into an evaluative exercise regarding the correctness of the recovery memo, arrest memo, or the sequence of events, at





this interlocutory stage, would amount to pre-empting the trial and rendering findings on disputed factual issues an exercise which is neither permissible nor desirable in writ jurisdiction. In my considered view, such an approach would mean conducting a mini trial before the actual trial.

4.6 Judicial propriety further mandates that where the trial is already underway, higher courts ought to refrain from recording definitive findings on factual controversies which are sub judice before the trial court. Any such interference would not only disrupt the procedural sanctity of trial but may also prejudice either of the parties.

5. The legal position governing the stage-wise consideration of defence material stands authoritatively settled by the Hon'ble Supreme Court in ***State of Rajasthan v. Swarn Singh @ Baba, CRLA No.856/2024 arising of SLP (Criminal) No.346/2021*** decided on **12.02.2024** wherein it has been unequivocally held that the right of the accused to rely upon material in support of his defence does not ordinarily arise at the pre-trial or charge stage, and such entitlement crystallizes only during the stage of defence evidence. The Court, relying upon the dictum in ***State of Orissa v. Debendra Nath Padhi, (2025) 1 SCC 568*** emphasized that the necessity or desirability of documents must be assessed with reference to the stage of proceedings, and that permitting the accused to invoke defence material prematurely would be contrary to the statutory scheme of criminal trial.





5.1 Applying the aforesaid principle to the present case, the petitioner's attempt to impeach the prosecution case on the basis of alleged discrepancies and defence material at this stage is clearly premature and legally untenable. The petitioner is, however, at liberty to raise all such contentions before the trial court at the appropriate stage, in accordance with law.

6. Accordingly, while leaving all the issues raised by the petitioner particularly concerning the legality of recovery, authenticity of memos, and alleged false implication; open to be agitated at the appropriate stage during trial, this Court refrains from expressing any opinion on the merits thereof. The petitioner shall be at liberty to produce all relevant material before the trial Court for the purpose of its scrutiny at appropriate stage, in accordance with law, and the trial court is expected to adjudicate the same uninfluenced by any observations made herein.

7. With these observations and directions, the instant Writ Petition stands disposed of. All pending applications, if any, shall also stand disposed of.

(FARJAND ALI),J

398-Mamta/-