



GJBH010013992026

IN THE COURT OF 2nd, ADDITIONAL DISTRICT AND
SESSIONS JUDGE , AT BHARUCH



Criminal Misc. Application No. 427/2026.

Exh. _____

Applicant:

Rahul Jagdishchandra Porwal.

Hindu Age: adult, Occu: Business.

R/o: 164/2, Prakashnagar,

Taluka: Nagda (नगडा), Dist: Ujjain,

State: Madhya Pradesh- 456 335.

(Currently at Sub Jail-Bharuch.)

V/S

Opponent :

State of Gujarat.

Application for Bail under Section. 483 of BNSS

ORAL ORDER

(1) Present application under Section 483 of BNSS has been filed for regular bail, in connection with the offence registered at Dahej Police Station, vide Part- 'A' Crime Register No. 11199016260426/2026 under Sections 286, 287, 336(2), 336(3), 338, 340(2), 61(2) of Bhartiya Nyay Sanhita.

(2) Submission on behalf of Ld. advocate for the applicant/accused:

Apart from the contents of the bail application the Ld. advocate has also submitted that the name of the present applicant is falsely roped in the FIR, the present applicant is neither driver of the tanker, nor he is the owner of the tanker containing the chemical, the applicant is not connected with any company mentioned in the FIR. It is submitted that the driver of the tanker was caught at the place of offence along with the tanker with chemical but he was not arrested and he was allowed to go by the police and merely on the basis of the statement of the driver, co-accused, the present applicant is arrested, no exact role of the present applicant is mentioned in the FIR. It is submitted that the present applicant is also connected with the business of the chemical and in routine he may have made phone calls for business purpose but the present applicant is made scape goat, moreover it is submitted that, the FIR is delayed by twenty-four days for which no explanation is given by the concerned Investigating Officer. It is further submitted that the present applicant was not present at the site along with the driver and the cleaner, the present applicant/accused is not involved in forgery of any bogus-builty for any other documents and he has no

relation with the company stated, the CDR are not authentic. It is further submitted that no prima-facie case is there against the accused, he is not having any antecedents, the offence is based on documentary evidence, the vehicle has already been seized, from where the chemical in question was brought is also now known to the Investigating Officer and now the applicant cannot be kept in judicial custody till the completion of investigation, hence, on appropriate conditions the present applicant be released on bail.

(3) Submission of Ld. APP:

The Ld. APP has relied on the affidavit of the Investigating Officer, it is mainly submitted that the, the entire offence is committed by hatching criminal conspiracy. All the accused were in contact with each other, as many as 102 calls were made with Yogendra and Rahul i.e., the present applicant and other co-accused and, hazardous chemical was seized from the vehicle owned by co-accused and the bulky which was seized from the vehicle is in the name of co-accused and the present applicant was also in contact with other accused persons. It is submitted that hazardous chemical has been seized affecting the nature and the human being. It is further submitted that still the investigation is under progress, the applicant is the resident of Madhya Pradesh, it is submitted that this is not a stage for allowing anticipatory bail particularly when investigation is at initial stage and it is submitted to dismiss the application.

Conclusion:

(4) This Court has considered the submission of both the side, the affidavits and the papers provided and what is required to be considered at this stage, is to see that whether prima-facie case is there against the accused persons, without entering into the correctness or otherwise of the allegations made against the applicants/accused. This is a matter, that will of-course be dealt with during the trial, but at the same time some observations are required for deciding the application.

Role of present applicant/accused...

(5) It is to be noted that, offence under Section 61 (b) of BNS i.e., of criminal conspiracy, is also registered against all the accused including the present applicant. Hence what is the role of particular accused is a issue for investigation, in the FIR the present applicant was shown at Serai No. 4 as “Wanted” It is to be noted that hazardous chemical has been seized by the concerned Police Officer, the allegations against the present applicant is that along with the co-accused by hatching criminal conspiracy, all the accused were in contact with each other, as many as 102 calls were made with Yogendra and Rahul i.e., the present applicant and other co-accused and during the investigation till now, bogus bill of Kaizen Pharmaceutical Plot and Augxen Pharma Pvt. Ltd., had been recovered and according to the co-accused such bogus bills were prepared by co-accused Dhruv Meena and were sent on whatsapp, the present applicant/accused was also in contact with other co-accused and

the bogus bill were seized from the mobile phone of the present applicant and panchnama was drawn to that effect, moreover the owner of the Malvis company, i.e the co-accused Amrishbhai had sent advance amount of Rs.86,000/- through angadia and its receipt was also seized from the phone of the applicant. The bogus bill were sent to the whatsapp of the driver Sandipsing, the applicant had done piloting, during the disposal of waste chemical and had role of collecting money for it.

(5a) As per the FSL Officer's report the chemicals seized from the Tanker No. RJ-09-GC-7832 was of (hazardous waste type highly acetic) and during investigation it was also found that the sample obtained from Malvis Industries and the chemical seized were same as per the report of officers of GPCB.

(6) The statement of Hardik Patel is considered by this Court, who is the owner of Kaizen Pharmaceutical Pvt. Ltd., during his statement he has stated that the name and GST number shown in the bills produced by the driver of the tanker is not of his company i.e., Kaizen Pharmaceutical Pvt. Ltd., and the chemical is loaded from Malvis Company but his company has not sold any chemical to Malvis Company or Kaizen Pharmaceutical Pvt. Ltd., and the details in the bills are not of his company. The said witness, Hardik Patel- owner of Kaizen Pharmaceutical Pvt. Ltd., is also considered and he has also stated that Kaizen Pharmaceutical Industries had not given any order for chemical or had not purchased such chemical.

(7) It is also found during the investigation that, the bill were bogus, the affidavit of the Investigating Officer. The present applicant/accused, as per the CDR was in contact with Ambaris Girishbhai Malavi- the owner of Malvis Industry, Yogendrasing Chandravat, Rahul Porval i.e., the present applicant, Sandipsing, Kamal Gokhale.

Conduct of the Investigating Officer.....

(8) The conduct of the Investigating Officer is also required to be noted, as what appears from the record is that the offence is of dated 11/04/2026, on the very same day the Directorate of Forensic Science- Gandhinagar had given the opinion that the chemical in the Tanker No. RJ-09-GC-7832, according to which the chemical was highly acetic and he has given opinion that, *“સદર પ્રવાહી પ્રાથમિક દ્રષ્ટિએ હેઝાર્ડસ વેસ્ટ પ્રકારનું હાઈલી એસિટિક જણાય છે.”* As per the FIR the driver of the above said Tanker No. RJ-09-GC-7832 was present, who has produced the bills but in-spite of a clear opinion of FSL Officer the Investigating Officer has not cared to register the FIR and the driver- Sandipsinh Mahendrasinh present during the checking, was allowed to go and was not arrested, the said accused/driver, is now shown in the FIR as wanted at Sr. No. 5. The FIR was delayed by twenty-four days.

(9) Hence, considering the entire case papers there is a prima-facie case against the present applicant/accused, still the investigation is under progress and this is not a case wherein the

application of the applicant can be allowed. Hence, this court pass following order.

ORDER

The present application is **Dismissed**.

Signed and pronounced in the open Court on this 08th day of June 2026.

Date : 08/06/2026.

Place: BHARUCH
(EMS)

(EJAZ MOHSINALI SHAIKH)
2nd Additional District & Sessions Judge,
BHARUCH.
(Judge Code No.GJ00627)