

GJBK010019162026



Received on : 19.05.2026

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Decided on : **11.06.2026**Duration : 22 -- --
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**IN THE COURT OF 6TH ADDITIONAL SESSIONS
JUDGE, BANASKANTHA AT PALANPUR**

Exh. _____

Criminal Misc.(Regular Bail) Application No.591/2026

Applicant: **Mulchandbhai Keshabhai Salat,**
Age: 39 Years, Occu.: labour,
R/o.Mansarovar Gate, Khodiyar Nagar,
Behind Agrasen Society, Palanpur.
[At present in Judicial Custody]

VERSUS

Opponent: **The State**

Appearance:

Mr. G.D.Makwana, Learned Advocate for Applicant.

Mr. D.K.Purohit, Learned A.P.P. for the Opponent-State.

**APPLICATION FOR REGULAR BAIL
UNDER SECTION 483 OF THE BHARTIYA NAGARIK
SURAKSHA SANHITA**

JUDGMENT

- (1) Present application is filed by the applicant, under Section 483 of the Bhartiya Nagarik Suraksha Sanhita seeking regular bail in connection with the offence registered against him vide CR. No. 11195010260551/2026 for the offence under Section

8(C), 20(b)(ii)(C) & 29 of Narcotic Drugs and Psychotropic Substances Act, with Palanpur City West Police Station.

- (2) Notice was issued to the opponent State. Learned Additional Public Prosecutor Mr. D. K. Purohit has filed his appearance pursis vide Exh. 6. Investigating Officer has filed his affidavit vide Exh. 7.
- (3) Heard Learned Advocate Mr. P. A. Vaghela for the applicant. He has submitted that the applicant is innocent; he has not committed any offence. He has submitted that prima facie, there is no case against the applicant. He has submitted that as per the police record, the applicant was arrested on 19:00 Hrs. whereas the offence was registered on 19:20 on 05/05/2026, this shows that the applicant was arrested before the registration of the offence by the police, which creates doubt regarding the fairness of the raid carried out by the police. He has further submitted that the raiding party has not followed the mandatory provision under NDPS Act. He has further submitted that the applicant has been languishing behind the bars since long time and trial will take its own time. In such circumstances, languishing the applicant behind bars for indefinite time would ruin the lives and livelihood of the applicant. He has further submitted that the applicant is a local resident of District Banaskantha, having movable and immovable property, therefore, he is not at risk of flight. He has further submitted that

applicant is ready to abide by the terms and conditions that may be imposed upon him. He has further submitted that he will regularly attend the trial of the case. He has submitted that the applicant is not in a position to influence the evidence and witnesses. He is also ready to give surety before the Court. Hence, he has prayed to allow this application and release the applicant on regular bail.

- (4) Heard learned Addl. Public Prosecutor Mr. D. K. Purohit for the State. He has submitted that Section 8(C), 20(b)(ii)(C) & 29 of Narcotic Drugs and Psychotropic Substances Act, has been registered against the accused. In this offence, the applicant has stored the contraband Ganja in his house and he was found with conscious possession of contraband, which is a serious offence under NDPS Act. He has further contended that so far as the arrest of the applicant before registration of the offence, is concerned. In this regard, it is relevant to observe here that the raid was carried out by the police on secret information at the house of the applicant, which is far away from the police station, when the raid was successful, accused was arrested and then after he has been brought to the police station from his house and henceforth the offence was registered before the police station. Due to these circumstances, the time gap between the arrest of applicant and registration of offence has occurred. He has further contended that the applicant has earlier also

remain indulged in the similar offence. Hence, the applicant is a habitual offender. He has further contended that the investigation is still pending at crucial stage, if the applicant may be released on bail, there are chances of influencing the investigation. He has further the contraband article found from the house of the applicant is in commercial quantity. Hence, the sanction of Section 37 would apply in the present case. Looking to the nature of offence, lenient view may spoil the future generation of this country by pushing them into intoxication of drugs. Therefore, he has prayed to reject this bail application of the applicant.

- (5) Considered the submissions made by both the learned advocates, perused the bail application as well as documents produced by the applicant along with this bail application. An offence under Section 8(C), 20(b) (ii)(C) & 29 of Narcotic Drugs and Psychotropic Substances Act, was registered against the applicant /accused. In this offence, the applicant was found with the conscious possession of the contraband-Ganja, stored in his house and he was also arrested from the spot itself. Hence, there is a prima facie case against the applicant. The contraband found from the applicant is in commercial quantity, hence, bar of Section 37 of the NDPS would come in the way of enlargement of applicant on regular bail. Looking to the nature of the offence as well as the punishment prescribed under the NDPS Act, lenient view in such offence may have dire

consequence on the young generation of the country. Looking to the police paper more particularly the affidavit, it reveals that the applicant has remained involved in similar offence under NDPS Act in past as well, this is supporting the allegation of prosecution that the applicant is a habitual offender and not a first time offender. Now, so far as the time gap between arrest and registration of offence is concerned, this court is very well convinced with the argument advanced by the learned APP, wherein, he has argued that the raid was carried out at the house of the applicant and he was arrested on the spot itself on recovery of the contraband from his house and he was brought to the police station and then offence was registered in the police station. As there is some distance between the applicant's home and police station, the time gap in the arrest and registration of offence has occurred. Looking to the police papers, it reveals that the police is still continuing with the investigation and charge-sheet has not yet been filed by the police. Therefore, in the facts and circumstances of the case, this court is of the view that the applicant has not made out a case to be enlarged on regular bail and hence, this court does not deem it fit to exercise discretion in favour of the applicant to enlarge him on regular bail. Accordingly, following order is passed;

ORDER

Present regular bail application is hereby dismissed.

Pronounced in the Open Court today this **11th** day of
June, 2026

Place: PALANPUR.

(D.S.Shrivastava)
6th Additional Sessions Judge,

Date: **11/06/2026**

Banaskantha at Palanpur
[Code No. : GJ00819]