

GJBN010010232026



Received on : 07.03.2026
 Registered on : 07.03.2026
Decided on : 13.03.2026
 Duration : DD MM YY
 06 - 00 - 00

**IN THE COURT OF 4TH ADDITIONAL SESSIONS JUDGE,
 BHAVNAGAR.**

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Criminal Misc. Application No.433 of 2026
 =====

EXH.NO -

Applicant. : Mukeshbhai Jivarambhai Gondaliya,

Age : 39 years, Occupation : Driving,
 Residing at : Sartanpar-Vavdi (Rajgor),
 Vadi Vistar, Ta.Dist.Bhavnagar.

(Presently in Judicial Custody at District
 Jail, Bhavnagar

Vs.

Opponent. : The state of Gujarat.

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**Application for Regular bail under Section 483 of the
 B.N.S.S.**

APPEARANCE:

Ld. Advocate for the applicant. : Mr. H.D.Zapadiya,
 Learned P.P. for the State. : Mr. J.A.Pandya.

-: J U D G M E N T :-

[1.0] This application is filed by the applicant under Section
 483 of the B.N.S.S. for regular bail in connection with F.I.R.

registered as **C.R.No.11198067260147/2026** for offences punishable under **Sections-8(C), 20(b)(II)(B) of N.D.P.S Act.**

[2.0] It is submitted by learned advocate for the applicant that the applicant was arrested on 28.03.2026 and produced before the Court on 28.03.2026 and Id. Court had sent him to the Judicial custody on 05.03.2025 after completion of remand period and since then, the applicant is in judicial custody, hence, present application has been filed seeking regular bail.

[3.0] On service of notice to the opponent, Ld.A.P.P. appeared on behalf of State and investigating officer has filed affidavit in support of the complaint and also submitted police papers.

[4.0] Learned Advocate for the applicant has submitted that the present applicant is a poor person and he has been in custody since his arrest. It is further submitted that the applicant was not in conscious possession of the alleged contraband articles and the Investigating Officer has wrongly arrested the present applicant on the basis of suspicion. It is further submitted that from the records, it appears that there is no chance of further involvement of the applicant in the similar offence. It is further submitted that intentions of the applicant to commit such an offence is also not established from the record. Ld. advocate further submits that the applicant does not have any criminal antecedents and he is shouldered with the responsibility of his family and the conclusion of trial for the alleged offence is likely took long time. It is further submitted

that the applicant shall comply with all or any conditions that may be imposed by this Court, hence, in view of the facts and circumstances of this case, present application may be allowed.

[5.0] *Per contra*, Ld. APP appearing for the State, has opposed the grant of the bail to the applicant & submitted that there is *prima-facie* strong case against the applicant and the applicant is facing serious charges for contravention of N.D.P.S Act and in this case, quantity of 1.223 kelo grams contra-band *Ghanja* worth of Rs.61,150/- was recovered from the possession of the applicant and thereby, the applicant has committed the alleged offence. It is further submitted that the quantity of contra-band articles seized in this case falls under the category of commercial quantity and therefore, in view of the rigour of Section-37 of N.D.P.S Act, this application may kindly be rejected. Ld. APP has also filed affidavit executed by the investigation officer, wherein similar contentions have been made

[6.0] In view of the submissions and perusal of police papers as well as documents submitted by the applicant, it is evident that in this case, the applicant is facing serious allegations for the offence punishable under Sections-8(C), 20(b)(II)(B) of N.D.P.S Act. Further, *prima facie*, it appears that as per allegation, quantity of 1.223 kelo grams contra-band *Ghanja* worth of Rs.61,150/- was recovered from the possession of the applicant and thereby, the applicant has committed the alleged offence. It is further appears that the quantity of contra-band articles seized in this case falls under the category of

commercial quantity. Therefore, having regard to the gravity of offences, quantity of Muddamal of contra-band articles recovered in this case, the rigour of Section-37 of N.D.P.S Act, is applicable in this case. Further, Section 37 of NDPS Act imposes limitation on grant of bail and bail could be granted subject to satisfaction of the Court that there are reasonable grounds for believing that the accused is not guilty of such offence and that he is not likely to commit any offence while on bail. No such circumstances exist in the present case. Further, it appears that at this stage, the investigation is at crucial stage and therefore, if at this stage, the applicant is enlarged on bail, there is every possibility that he may hamper or tamper the investigation.

[6.1] In view of the above, this Court is of the view that it is not a fit case to exercise the discretion of granting bail to the present applicant at this stage particularly when the investigation is going on. Hence, following final order is passed.

::O R D E R::

(1) The present application for Regular bail under Section 483 of the B.N.S.S. is hereby **dismissed**.

Pronounced today in open Court on this **13th day of March, 2026.**

Date : 13.03.2026 **(JIGNESH GIRISHBHAI DAMODRA)**
Place : Bhavnagar 4th Additional Sessions Judge,
Bhavnagar.
Unique ID Code No.GJ00996