



सत्यमेव जयते

IN THE COURT OF HON'BLE ADDITIONAL DISTRICT
AND SESSIONS JUDGE, COURT No:03, AT: DAHOD.

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CRIMINAL MISC. APPLICATION NO. 223 OF 2026.

Applicant :

1. Anasali alias Babu s/o Anwarali Mansurali Saiyed ,

Aged : 26 years, Occupation : Driving,
Residing at : Kajipura, Nr. Dawoodkhana's
Kirana Shop, Ratlam, Dist:Ratlam, MP.

(At present accused in judicial custody @
Sub-Jail, Dahod)

Versus

Opponent :

1. The State of Gujarat

FOR Applicant : Ld. Ad. Mr. A.R. Chauhan.
FOR Respondent : Ld. DGP. Mr. A.K. Parikh.

Order below Regular Bail Application

[1] The present application has been preferred by the applicant-accused seeking regular bail for the alleged commission of the offence registered with SMC Gandhinagar PS vide FIR CR No: 11995001250033/2025 punishable u/s 8(c), 22(c), 29 of NDPS Act, 1985.

[2] In brief, the allegations against the applicant-accused as per the complaint are such that, on Dt:11-09-2025 while complainant and other police personnel were on patrolling duty at Ahmedabad they received tip off that, accused Maqbool Kureshi and his associate Babu are about to reach at Dadho in Maruti Glanza having No:MP-43-ZB-0405 from Ratlam and carrying contraband substance/drug for sale and hence they formed team and after completion

of the formalities they remained in watch near Siddharaj Jaysinh Talav with two panchas and remained vigilant and at 01:30 hrs. the vehicle came and the same was intercepted and upon search in presence of two panchas, they found a person in driving seat namely Anasali alias Babuy s/o Anwarali Mansurali Saiyed and a person sitting on front seat namely Maqbool s/o Matlub Nabbak Kureshi and upon search of their person three mobile phones and cash of Rs.9,800/- found and upon search of the vehicle they found beneath the seat of Maqbool Kureshi a white coloured plastic bag having powder content which weighing 204.960 gram and the same was identified as MD Drug (Mephedrone) having market value of Rs.20,49,600/-. Police also seized the vehicle used in the crime.

Complainant filed FIR against named accused. Hence, the FIR to that effect came to be registered under above mentioned sections.

[3] Learned advocate for the accused-applicant has stated that the accused has not committed any alleged offence. Further, it is submitted that the accused-applicant is falsely implicated in the alleged offence. Subsequently, there is no prima facie case against the applicant. It is submitted that the applicant's role is of the driver only. It is submitted that the applicant is permanently residing at the given address and hence, if he would be released on bail, he is not likely to abscond. Present bail-application filed after charge-sheet. He further stated that,

Charge-sheet in this case has been filed. Thus, he has requested to release the applicant on regular bail by imposing some conditions.

Ld. Ad. for the accused-applicant relied upon the following judgments of Hon'ble High Court of Gujarat in support of his arguments.

[1] CRMA No:23814/2025, Dt:19-11-2025,
[Coram: Hon'ble Mr. Justice Nikhil S. Kariel saheb].

[2] CRMA No:24138/2025, Dt:01-12-2025,
[Coram: Hon'ble Mr. Justice Nikhil S. Kariel saheb]

[3] CRMA No:14429/2025, Dt:21-01-2026,
[Coram: Hon'ble Mr. Justice Nikhil S. Kariel saheb]

Read the above judgment and considered the ratio laid down in the judgments.

[4] The Ld. DGP appearing for the State has strongly opposed the present bail application and submitted that, if accused released on bail then there is every chance that accused may indulged in same sort of crime and there is likelihood of repetition of the crime. Ld. DGP further argued that, applicant does have one criminal antecedent of case of S.323 of IPC. Ld. DGP further argued that, the quantity involved in the present offence is a commercial quantity, therefore looking to the nature and gravity of offence, and especially S.37 of the Act, this Court should not exercise the discretion in favour of the applicant and the application may be dismissed. Hence, he has prayed to reject the bail application.

[5] I have heard the rival submissions of the Learned Advocate for the applicant as well as Learned APP for the State and perused the entire record alongwith affidavit of the I.O.

Present accused-applicant is named in FIR and the applicant-accused arrested and produced before the Court and at present, he is in judicial custody.

Charge-sheet filed in the present case and the same is registered vide Sp.NDPS Case No:5/2026, the seized quantity of the MD Drug (Mephedrone) is 204.960 gram, having market value of Rs.20,49,600/-.

[5.1] It is on the record that, applicant was found on the driver seat and contraband was found beneath the seat of co-accused namely Maqbool Kureshi.

As per the charge-sheet papers, it is the accused Maqbool Kureshi who went to Pratapgarh, Rajasthan and procured the drugs from absconding-accused Lala Pathan.

As per the charge-sheet papers, it is the accused Maqbool Kureshi who had procured 3-4 times drugs from accused Lala Pathan from Pratapgarh, Rajasthan, prior to the present offence.

As per the charge-sheet papers, it is on record that, present applicant is doing business of driving having a vehicle on rent-agreement, which is seized in the crime.

As per the charge-sheet papers, there is one antecedent registered u/s 323 of IPC against present applicant at Ratlam.

[6] Considering entire facts and

circumstances of the case and the role of the present applicant-accused and the quantity of evidence involved and the pre-trial custody, rigors of Section 37 of the NDPS Act would be satisfied. Given this, the criminal antecedents are also not a legal ground for denying the rigors of S.37 of the NDPS Act at this stage. Further, the investigation, if any pending, and trial may take long time to conclude and no purpose would be served if the applicant shall be kept behind the bar. This court has considered the ratio for the purpose of bail in the judgment by the Apex Court in the case of Sanjay Chandra Vs. CBI, reported in (2012) 1 SCC 40.

Considering the facts as discussed above, I am of the view that the present application appears to be fit to exercise

the discretion in favour of the applicant to grant regular bail. Hence, the following order is passed.

:: O R D E R ::

1. The application filed by the **applicant-accused [1] Anasali alias Babu s/o Anwarali Mansurali Saiyed**, for regular bail, is hereby allowed.
2. The applicant-accused is hereby ordered to be released on regular bail for the offences registered at SMC Gandhinagar PS vide FIR CR No: 11995001250033/2025 punishable u/s 8(c), 22(c), 29 of NDPS Act, 1985, upon furnishing surety bond(s) in sum of **Rs.50,000/- (Rupees Fifty Thousand Only)** with one surety of like amount to the satisfaction of the concerned Court on following conditions.

- [a] not take undue advantage of liberty or abuse liberty;
- [b] not act in a manner injurious to the interest of the prosecution;
- [c] maintain law and order;
- [d] not to leave India without prior permission of this Court;
- [e] furnish the address of residence alongwith copy of the Aadhar Card before the Id. Trial Court and shall not change the residence without prior permission of the Court;
- [f] surrender passport within 7 days, if any, or place an affidavit before the Id. Trial Court for not having the passport.

3. This order be intimated to the concerned Police Station, for information and necessary action.

4. Necessary Yadi be sent to the Sub-Jail,
Dahod for information and necessary action.

Pronounced and declared in open Court on
this 10th day of March, 2026.

Place: Dahod.
Dt:10-03-2026

[Sandipsinh G. Dodiya]
UIC No:GJ00902
3rd Addl. District & Sessions Judge,
Dahod.