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सत्यमेव जयते

**IN THE COURT OF THE SESSIONS JUDGE OF DAHOD
AT DAHOD**

Criminal Misc. Application No.434/2026

Exh. 5

APPLICANT :-	Age (Years)	Occu- pation	Resident
1) Rajeshbhai Chunilal Bisnoi	S/of 33	Driving	Gudahema, Bhaduor, Goyti Ki Dhani, Thana Jhab, Tal. Chilwan, Dist. Jhalor (Rajasthan)
2) Ramjivan Babulal Bisnoi	S/of 25 Manju	Driving	Naya Nagar, Deshantari Nadi, Thana R.G.T.Nagar Tal. Gudamalaji, Dist. Balotara (Jhalor) Rajasthan.

Versus

OPPONENT :-	The State of Gujarat, Gandhinagar. (Summons through the Public Prosecutor, Dahod.)
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APPEARANCES :

Mr. D. S. Rathod, Learned Advocate for Applicant

Mr. A. K. Parikh, Learned I/c. P. P. for the State

Subject :- Application under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita 2023 for Regular Bail.

:- JUDGMENT :-

- (1) The applicants have filed the present application seeking regular bail u/Sec.483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (herein after referred to as 'the B. N. S. S.' in short) in connection with F. I. R. registered with **Katvara Police Station Part-B C. R. No.11821025260065/2026** for the offences punishable under Sections 15(C), 29 of the Narcotic Drugs & Psychotropic Substance Act, 1985 (herein-after referred to as 'the N. D. P. S. Act' in short) and Section 54, 340(2) of the Bharatiya Nyaya Sanhita, 2023.
- (2) As per the F. I. R., the accused persons have loaded and transported bags of Poppy Straw a Narcotic Substance weighted total 134.07 Kgs worth Rs.20,11,050/- in vehicle No.GJ-01 WB-6944 and while transporting without pass or permit, police intercepted their vehicle. It is alleged that the applicants were piloting the vehicle loaded with the narcotic substance in huge quantity.
- (3) Learned Advocate Mr. D. S. Rathod submitted in his arguments that, the present applicants are innocent and

they have not committed the offence alleged in the F. I. R. They are unknown about the seized Narcotic Substance. No such Narcotic Substance has been recovered from the possession of the applicants and they are falsely dragged into this serious offence. The vehicle seized by police consists of passing of the Gujarat State while the applicant owns the vehicle having passing of the Goa State. No call details of the applicants with the driver or owner is found during investigation. Charge-sheet is filed by police and it is registered as N.D.P.S. Case No.9/2026. Looking to the charge-sheet papers, no statements of independent witnesses are recorded by the Investigating officer and the Investigating officer has relied on the statements of police witnesses only. The applicants are resident of the address shown in bail applications and they assure that they will regularly attend the Court during trial. It is accordingly urged to enlarge the applicants on bail.

- (4) Per contra, learned I/c. P. P. Mr. A. K. Parikh on behalf of the State has argued that there is allegation of offence punishable under Section 15(C), 29 of the N. D. P. S. Act and Section 54, 340(2) of the B. N. S. against the applicants-accused. As per the case of prosecution, Police has seized total 134.07 Kgs. Poppy Straw worth Rs.20,11,050/- while being transported in a vehicle bearing Number Plat of GJ-01 WB-6944. The applicants were piloting the said vehicle and they are prima-facie involved in this serious offence. Accused Dineshbhai Kishnaram

Siyak (Bisnoi) who loaded Poppy Straw in vehicle is yet to be arrested. Investigation is over and charge-sheet is filed before the Hon'ble Court. The offence is serious and ante-social. Looking to the punishment provision, there is possibility that, the applicants will not remain present during trial, if they are released on bail. Therefore, it is requested to dismiss the bail application filed by the applicants.

- (5) Read the application. Heard the learned Advocates of both sides. Perused the investigation papers as well as affidavit filed by the Investigating Officer. Upon perusal of the case papers, it prima-facie appears the facts of offence that, during checking, on the basis of secret information with vehicle numbers received, at Ravalikheda Check Post, Police tried to stop two suspicious vehicles bearing registration No.GA-08 AB-5522 and GJ-01 WB-6944 but the said vehicles did not stopped and went towards Dahod and Dahod Town 'A' Division Police intercepted the vehicle No.GA-08 AB-5522 with two persons i.e. the present applicants whereas another vehicle bearing No.GJ-01 WB-6944 was found abandoned at village Kotada-Bujharg and during the search of the said vehicle, total 134.07 Kgs. Poppy Straw in 07 bags worth Rs.20,11,050/- were found and seized by police as per the details of Panchnama. So far as the present applicants is concerned, it is alleged that they were piloting the transportation of narcotic drug through another vehicle No.GA-08 AB-5522

and were caught by police while they were escaping in their vehicle.

- (6) It is found from the investigation papers that Poppy Straw Narcotic Substance in a huge quantity is recovered while being transported from Ravalikheda Check Post and the applicants are prima-facie found to have involved in this serious offence by way of piloting the transportation of narcotic substance in another vehicle. Prima-facie involvement of the applicants in this serious offence is revealed from the investigation papers. It also prima-facie appears from the papers of investigation that the accused persons have affixed fake number plate of GJ-01 WB-6944 and used it as correct number plate over the vehicle. As stated by the Investigating Officer, investigation is over and Charge-sheet has already been filed before the Hon'ble Court. At the same time, having considered the fact that the applicants had tried to escape in their vehicle at the time of raid, the apprehension raised by the learned Addl. P. P. that the applicants will not remain present during the course of trial, cannot be ruled out. Other accused persons are yet to be arrested in this offence. So, release of the applicants on bail may adversely affect the investigation against other accused.
- (7) Considering all the facts and circumstances, papers of investigation, role of the applicants in commission of offence and gravity & seriousness of offence as well as

Section 37 of the N. D. P. S. Act which bars bail for offences involving commercial quantities of narcotic drugs unless two cumulative conditions are met: the public prosecutor must be heard, and the court must be satisfied on reasonable grounds that the accused is not guilty and unlikely to reoffend. In the case on hand, though the first condition is fulfilled but the second condition is not satisfied considering the chargesheet papers so this Court is not inclined to release the applicants on bail. Hence, following order ensues.

-: ORDER :-

1. The present bail application filed by applicant-accused No.1 **Rajeshbhai S/of Chunilal Bisnoi** and No.2 **Ramjivan S/o. Babulal Manju (Bisnoi)** under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is hereby **rejected**.
2. PDF Copy of the order be sent to the concerned Jail Authority through email to furnish a copy of the order to the applicant-accused.

This application stands disposed of accordingly.

Signed and pronounced in the open Court on this 02nd Day of June, 2026.

Dt.02.06.2026
Place : Dahod

(Harishchandrasinh Gulabsinh Vaghela)
Sessions Judge,
Dahod.
(Code No.GJ00590)

DSS, EA