



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. 504 OF 2026.

Applicant :

1. Maqbool s/o Matlub Nabbakash Qureshi ,

Aged : 36 years, Occupation : Driving,
Residing at : Harijan Market, Mochipara,
Ratlam, Ta: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 Dahod 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 Babu s/o Anwarali Mansurali Saiyed and a person sitting on front seat namely Maqbool s/o Matlub Nabbakas Qureshi 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 Qureshi 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, no mandatory provisions were complied before arrest of the applicant. 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. Id. Ad. for the applicant further

submitted that, considering the grounds stated in the bail-application, bail should be granted. It is further submitted that, present bail-application filed after charge-sheet. Ld. Ad. further submitted that, co-accused released on bail vide CRMA-S No:223/2026, Dt:10-03-2023 and hence considering the principle of parity, bail should be allowed. Thus, he has requested to release the applicant on regular bail by imposing some conditions.

[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 **total:07 criminal antecedents**. 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 sitting besides the driver seat and contraband was found beneath his seat and from his conscious possession.

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

As per the charge-sheet papers, it is the present applicant-accused Maqbool Qureshi who had procured 3-4 times drugs

from accused Lala Pathan from Pratapgarh, Rajasthan, prior to the present offence/incident.

As per the charge-sheet papers, it is on record that, co-accused Anasali alias Babu Saiyed was doing business of driving and having the vehicle on rent-agreement, which is seized in the crime.

[5.2.1] It is mentioned in bail-application's para:4 Ground No:(c) that, *"no any contraband article has been found near the present applicant, and the contraband article found from the car, the car doesn't belong to the present applicant and the present applicant is not near the car or behind the car."*

In regard to the statement, it is on the record that, the applicant was found

sitting in the car and next to the driver and contraband article was found under the seat of the applicant.

[5.2.2] It is mentioned in bail-application's para:4 Ground No:(d) that, " *while considering the investigation paper the present applicant is standing in the crowded area and it is most crowded area in Dahod city, no any individual witness who are standing in the crowded area, cited in the charge-sheet.*"

In regard to the statement, it is on the record that, the applicant was found sitting in the car and next to the driver and contraband article was found under the seat of the applicant and independent panchas/witnesses are cited as the witnesses in the charge-sheet.

[5.2.3] It is mentioned in bail-application's para:4 Ground No:(f) that, ***"there is no any past antecedents against the present applicant."***

In regard to the statement, it is specifically mentioned in the affidavit of the IO that, **total:07 antecedents** are against the present applicant which are lodged against applicant at Station Road Police Station of District:Ratlam, MP, the same are as under;

Sr. No:	CR No:	Penal Section/s	Date
01.	632/2015	IPC S.294, 323, 506, 34.	22-09-15
02.	219/2016	IPC S.294, 323, 506	21-03-16
03.	148/2018	IPC S.294, 353, 506 and SCST ACT S.3(1)(r), 3(1)(s)	01-03-18
04.	246/2018	IPC S.294, 323, 506, 34	22-04-16
05.	214/2019	Public Gambling Act S.4(a)	29-03-19

06.	460/2020	IPC S. 220(b), 294, 323, 327, 34, 342, 364(a), 506	08-09-20
07.	480/2023	IPC S.294, 327, 506	06-07-23

As per the affidavit, applicant has involved himself with crime since year-2015.

Applicant has falsely and with malafide intention mentioned that, he does not have any criminal antecedent, this statement is quite contrary while considering the affidavit of IO on record.

It is on the record that, applicant has deliberately not disclosed his past antecedents and withholding the information about the criminal cases filed/pending against the petitioner/accused is a ground, in itself, to reject the prayer for grant of bail, as withholding of such relevant information would amount to abuse of

process.

This Court herein refers the judgment of the Hon'ble Apex Court in the case of Firoj @ Farhu Vs State of Rajasthan; SLP(Cri)No:14532/2025, Order Dt:17-12-2025, [Coram: Hon'ble Mr. Justice Sanjay Kumar and Hon'ble Mr. Justice Alok Aradhe saheb].

The order reads as under;

O R D E R

Though notice was issued in this special leave petition, whereby the petitioner, Firoz @ Farhu, seeks grant of bail in a criminal case involving Section 302 of the Indian Penal Code, 1860, the counter affidavit filed by the State of Rajasthan discloses that, in addition to the aforestated case, the petitioner is involved in two other cases - one registered in June, 2023, that is, prior to the registration of the aforestated case in June, 2024, and the other, in August 2024. However, in this special leave petition filed on 22.08.2025, one of the grounds taken by the petitioner was that he had no antecedents.

Failure to disclose past antecedents or withholding of information about the criminal cases pending against the petitioner/accused

is a ground, in itself, to reject the prayer for grant of bail, as withholding of such relevant information would amount to abuse of process. In this context, paragraph 11 of the recent order passed by this Court in Munnesht v. State of Uttar Pradesh (Order dated 03.04.2025 in SLP(Crl.) No. 1400/2025), would be relevant, and it reads as follows: -

"11. However, before parting, we consider it necessary to dwell on one aspect. A growing trend is being noticed of individuals, seeking from this Court the concession of bail or concession of protection from arrest, not disclosing in the special leave petitions their involvement in other criminal cases. In such cases where involvement is not disclosed, on a prima facie satisfaction that long incarceration without reasonable progress in the trial is invading the right to life of the accused or that the offences for which the FIR has been registered are not too serious, notices are issued and only thereafter, information of criminal antecedents is being provided in the counter affidavits filed by the respective respondents States, as in the present case. The result is that this Court, being the apex court of the country, is being taken for a ride. This Court has shown leniency in the past but we think it is time that such state of affairs is not allowed to continue further."

Viewed thus, the special leave petition is dismissed.

Pending application(s), if any, shall stand disposed of."

[6] Considering entire facts and circumstances of the case and the role of the present applicant-accused and the quantity of evidence involved, this court does not agree with the argument of the applicant that, present applicant should be given benefit of parity.

This court has considered the proviso of S.37 of the NDPS Act and this court does not satisfied that there are reasonable grounds for believing that applicant-accused is not guilty and that he is not likely to commit any offence if bail being granted to him.

This being the serious crime with commercial quantity of the contraband

substance found from the applicant and therefore mere filing of the charge-sheet does not term as changed of circumstances in favour of accused-applicant. Material witnesses in the case are yet to be examined and considering the antecedents of the applicant, it can be said that the applicant if released on bail, may try to tamper or hamper with evidences or may try to influence the witnesses. Considering the facts as discussed above, present application does not appear to be fit to exercise the discretion in favour of the applicant to release him on bail. Accordingly, the following order is passed.

:: O R D E R ::

1. The application filed by the **applicant-accused [1] Maqbool s/o Matlub Nabbakash**

Qureshi, for regular bail, is hereby
rejected.

Pronounced and declared in open Court on
this 30th day of June, 2026.

Place: Dahod.
Dt:30-06-2026

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