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Registered on 05.03.2026  
Decided on 09.03.2026  
Duration 00/00/04  
YY/MM/DD

**IN THE COURT OF 5<sup>TH</sup> ADDITIONAL SESSIONS JUDGE &  
SPL. JUDGE, NDPS, AT GANDHINAGAR**

**Criminal Miscellaneous Application No.362 of 2026**

**Exh.**

Basir Ahemad Rasulmiya Shaikh

...Applicant

V/s.

Union of India through  
Inspector  
Narcotics Control Bureau,  
Zonal Unit, Ahmedabad.

...Opponent

Subject :- An application for Temporary Bail.

Offence:- NCB/AZU/C.R. No.30/2024 registered with NCB Ahmedabad Police station for the offence punishable under section – 20(B), 8(C), & 29 of the N.D.P.S Act.

**Appearance :**

Ld. Legal Aid Defense Counsel, Mr. V. S. Vaghela for applicant.

Ld. Special Public Prosecutor NCB, Mr. M. G. Kapadiya for the opponent.

**:: JUDGMENT ::**

1. By way of the present application, the applicant-accused has prayed to release him on temporary bail for 45 days.
2. On presentment of application, notice issued to the other side and Learned Special Public Prosecutor appearing for the opponent and the I.O. has submitted objection on affidavit at Exh.3.

3. Learned Legal Aid Defence Counsel for applicant has submitted that applicant has been in judicial custody for 16 months in Sabarmati Central Jail. Applicant is 70 Years old, he is heart patient before 4 years he underwent with surgery for placing stent. Applicant is still under treatment for blockage in two vein for which surgery is necessary as per suggestion of doctor. Due to said health issue applicant is physically and mentally disturbed. Applicant has his wife and two son in his family among them elder son is mentally disabled and younger son is doing private job and taking care and responsibility of family. Applicant being a head of family and the condition from which applicant is suffering from, applicant's has to remain with family. Hence, applicant's presence is required. Therefore, it is stated that applicant will abide by the conditions imposed on him and prayed to allow the application and be pleased to enlarge the applicant on temporary bail for 45 days.
  
4. On the other hand, Learned Special Public Prosecutor has submitted that applicant has been caught in very serious charges under the provisions of NDPS Act and it is full proof case of commercial quantity of Narcotic Drugs/Psychotropic substances. The seizure proceedings were made in presence of panchas. Applicant is facing very serious charges under the provisions of NDPS Act and it is a foolproof case of commercial quantity of Narcotic Drugs/Psychotropic Substances going against the accused and therefore, considering the provisions under section-37 of the N.D.P.S Act, present bail application may be rejected. The team of officers of NCB Ahmedabad had seized 10.556 Kg of Charas from Tata Indica Car bearing registration no.GJ-01-RK-9375. During the investigation applicant revealed that he was previously convicted for 10 years in an NDPS case in 1997 and came out from jail in 2014. He further admit that he obtained the Charas from person named Showkat r/o J&K and the charas was delivered at Dharuhera (Haryana) by Showkat, for which he

had paid Rs.10 Lakhs through Aangadiya, also admitted that his wife and his nephew Mohsin were also involved in illegal trafficking of Charas. He admitted that he made a special cavity below the rear seat fo the car for concealing Charas.

It is further submitted that applicant is deeply involved in trafficking of Charas, if such an accused is released on bail even for a day, he will definitely jump the bail and may not be available to fact the trial. The record of the accused shows that, he is likely to repeat the same offence and may misuse the liberty. Hence, if the applicant is released on temporary bail then applicant may flee from justice. Applicant will hamper or tamper with evidence, witnesses and complainant. Therefore, requested that such person may not be granted temporary bail.

Learned Special Public Prosecutor has relied upon the judgment in the cases as under -

1. **Rabi Prakash V/s. State of Odisha reported in 2023 SCC online SC 1109**
  2. **Union of India V/s. Ram Samukh & another's reported in 1999 Supreme Court (Cri) 1522.**
5. I have heard the Learned Legal Aid Defense Counsel for applicant and Learned Special Public Prosecutor for the opponent. I have perused the averments made in the application and affidavit of I.O.
  6. On consideration of the entire papers, it appears that applicant has been caught in active and conscious possession of illegal NDPS Medicines. Applicant is facing very serious charges under the provisions of NDPS Act and it is a full proof case of Narcotic Drugs/Psychotropic Substances going against the accused and therefore, considering the provisions under section-37 of the N.D.P.S Act, present bail application is liable to be rejected. The team of officers of NCB Ahmedabad had seized 10.556 Kg

of Charas from Tata Indica Car bearing registration no.GJ-01-RK-9375 and from the active possession of applicant in the alleged offence. If the applicant is released on temporary bail then applicant may flee from justice. Applicant will hamper or tamper with evidence, witnesses and complainant. The grounds mentioned are not extra-ordinary or convincing to grant temporary bail. The reasons forwarded found not satisfactory. The applicant-accused is facing very serious charges of heinous crime and sessions case is pending in the Court. Thus, if the applicant accused is granted temporary bail, there is reasonable apprehension to flee from justice. Further, the accused has not produced any medical document to show his ailment. In such circumstances, the grounds are not found exceptional or extra ordinary to grant temporary bail. The reasons mentioned in the application are not found satisfactory, convincing and sufficient to grant interim bail.

7. Therefore, this Court is not inclined to exercise discretionary powers in favour of accused. Hence, in the facts and circumstances of the case, in the interest of justice, the following order is passed.

**:: ORDER ::**

1. The present application is hereby rejected.
2. A copy of this order be provided to the accused through Jail and through email also

Signed and pronounced on this 9<sup>th</sup> day of March, 2026.

Date : 09/03/2026  
Place : Gandhinagar

**[ Dilip P. Purohit ]**  
5<sup>th</sup> Addl. Sessions Judge &  
Spl. Judge, NDPS,  
Gandhinagar (GJ00928)