

GJJM010007792026	 सत्यमेव जयते	Filed on	:	07/03/2026				
 11202038260016 CRMA S/309/2026		Registered on	:	07/03/2026				
		Decided on	:	17/03/2026				
		Duration	:	<table border="1"> <tr> <td>Years</td> <td>Months</td> <td>Days</td> </tr> <tr> <td>00</td> <td>00</td> <td>10</td> </tr> </table>	Years	Months	Days	00
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**BEFORE THE HON'BLE 3rd ADDL. SESSIONS JUDGE
JAMNAGAR**

Criminal Misc. Application No. : 309/2026
in
NDPS Case No. 3/2026

Exh. :- 7

Applicant / Accused No. 2	NAVINKUMAR S/o. SAHEB CHAUHAN Age : 22 Years, Occupation : Labour Resi. at : Moti Khavadi Tal.- Dist.- Jamangar.
	Currently in Judicial Custody
Versus	
Opponent	STATE OF GUJARAT Through : THE PUBLIC PROSECUTOR Jamnagar

Police Station	Meghpar (Padana) Police Station
F.I.R. No. : CR	11202038260016/2026
Trial Court	Hon'ble Special NDPS Court, Jamnagar
Offence	S. 8(C), 20(b)(ii)(B), 29 of Narcotic Drugs and Psychotropic Substance Act.

APPEARANCE :-

Ld. Advocate for the Applicant / Accused	Mr. N. N. Jadeja
Ld. Public Prosecutor for State	Mr. J. K. Bhanderi

**REGULAR BAIL APPLICATION
AFTER FILING OF CHARGE SHEET
U/S. 483 OF B.N.S.S. (SEC. 439 OF Cr.P.C.)**

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

- (1). The Applicant / Accused has preferred the present bail application under Section 483 of B.N.S.S. (Section 439 of the Criminal Procedure Code, 1973), for releasing him on regular bail, after filing of charge-sheet, in pursuance to alleged offence mentioned above. The application was registered and notice was issued. On service of the process, the Ld. P.P. for the Opponent-State had appeared and objected the application.
- (2). I have heard the Ld. Advocate Mr. N. N. Jadeja for Applicant / Accused and the Ld. P.P. Mr. J. K. Bhanderi for Opponent-State, at great length. I have considered the facts and circumstances of case on record, grounds stated in regular bail application, affidavit of I.O. at Exh.-6 and charge-sheet papers / case papers of NDPS Case No. 3/2026.
- (3). The Ld. Advocate for Accused has humbly submitted that the alleged offences are triable by the Special / Sessions Court and the Applicant was arrested and since then he is in jail and looking the fact of present case and age of Accused and dependency of his family, it is requested to kindly grant bail. The Ld. Advocate for Accused has further humbly submitted that the Accused is in jail and

that if bail is not granted, then it will amount to Pre-Trial Punishment.

- (4). The Ld. Advocate for Accused has further humbly submitted that the Applicant / Accused is innocent person and he has been falsely implicated with such alleged offence and no *prima-facie* case is made out against present Accused. It is further submitted that the Applicant gives assurance to abide and comply all conditions, which may be imposed by the Court, if he is permitted to enjoy his fundamental right of liberty. It is further submitted that the Applicant / Accused is citizen of this Country. Therefore, the Ld. Advocate for Accused has respectfully prayed to release the Accused on regular bail by imposing suitable conditions.
- (5). The Ld. Public Prosecutor has strongly opposed the bail application. The Ld. Public Prosecutor has submitted that from the record, a strong case is made out against present Applicant / Accused. It is further submitted that if Applicant is released on bail, there is possibility to influence / threat the witnesses and therefore, he has prayed to dismiss the present regular bail application. Moreover, N.D.P.S. Case No. 3/2026 is also registered and so it is not desirable to grant the bail at this stage. As against that argument, the Ld. Advocate for the Accused has stated that Accused will co-operate in the Trial and will not threat / influence any witness.
- (6). If we go through the allegation, then it seems that ‘Ganja’

of about 3.800 Kilograms worth Rs.1,90,000/- have been seized by the police in the offence and thereby the Accused have committed alleged crime.

- (7). I have considered the ratio laid down in a decision in case of ¹SIDDHARAM SATLINGAPPA MHETRE Vs. STATE OF MAHARASHTRA and in case of ²SANJAY CHANDRA Vs. CBI of the Hon'ble Supreme Court of India and the ratio laid down in a decision in case of ³RAKESH PRAHLADRAM JOSHI & ORS. Vs. STATE OF GUJARAT of the Hon'ble Gujarat High Court.
- (8). The name the Applicant / Accused has been surfaced from the statement of the co-accused and the Applicant / Accused has ordered for the said contraband and it seems that the Applicant is a purchaser of the said contraband. The Applicant - Accused No. 2 was arrested and sent to judicial custody and since then he is in jail and the relevant investigation were proceeded and now charge sheet No.141/2026 is filed and NDPS Case No. 3/2026 has been registered. There are no chances of tampering with evidence or threatening witness now as charge-sheet is already filed. The offence is Triable by the Hon'ble Special NDPS Court. Moreover, in the Notification Serial No. 55 Small Quantity is 1.00 kg. and Commercial Quantity is 20 kg. and the seized contraband Ganja which was seized is of 3.800 kg. i.e. more than 1 kg. (small quantity is 1 Kg. and commercial quantity is 20 Kgs.) and

1 SIDDHARAM SATLINGAPPA MHETRE Vs. STATE OF MAHARASHTRA : 2011(1) G.L.H. 11
2 SANJAY CHANDRA Vs. CBI : 2012(1) GLH 93 (SC) = (2012) 1 SCC 40 = Cr.A. 2178/11, D/- 23/11/11
3 RAKESH PRAHLADRAM JOSHI & ORS. Vs. STATE OF GUJARAT
: Cr.M.A. No. 4597-11, D/- 12/05/11

so the said quantity is 'Intermediate Quantity'. The present applicant /accused is resident of this Country and the trial will take reasonable long period to conclude and the charge-sheet has been filed. Therefore, it is just and proper to grant bail at this stage. The contraband muddamal is of Rs.1,90,000/-. The Age of Applicant is just 22 years. There is no past criminal history of Applicant. Pro-long detention may divert the Applicant into hard core criminal. These are the peculiar facts, which has appealed this Court to invoke the power under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (U/s. 439 of Code of Criminal Procedure) as it is not fit case to put the Accused behind bar for indefinite period for concluding of trial. Under such circumstances, the present Applicant is entitled to get regular bail, in the interest of justice.

(9). It seems that Applicant's family is dependent on him and are resident of this Country as stated by the Ld. Advocate for the Accused and if bail is not granted, it seems that his family may have to see the days of hardship and may be compelled by situation to divert on illegal path. At the stage of bail, generally it is to be seen whether Accused will face the trial or not and they should not be denied bail if readily available at trial by taking proper surety or else it will amount to pre-trial punishment and the Ld. Advocate for the Accused prayed to apply **Rule of Bail and Not Jail** in present case.

(10). Order granting or refusing bail is not necessarily required

to be speaking order as held by the Hon'ble Supreme Court in case of ⁴JIVAJI JEDEJA & Ors. Vs. STATE OF MAHARASHTRA & Ors. It is held by the Hon'ble Supreme Court in case of ⁵STATE OF RAJASTHAN Vs. BALCHAND that bail is the rule and committal to jail an exception and further observed that **refusal of bail is a restriction on the personal liberty of the individual guaranteed under Article 21 of the Constitution of India.** Considering the facts & circumstances of the case on hand, the regular bail application deserves to be allowed with appropriate terms and conditions. In the humble opinion of this Court, if following order will be passed, then it will be in the interest of justice. Hence, I pass following order to meet with the end of justice :

-:: ORDER ::-

- **The Regular Bail Application under Section 483 of B.N.S.S. (U/s. 439 of Cr.P.C.) of Applicant / Accused, is allowed and he shall be released on bail on furnishing surety of Rs.25,000/- (Rupees Twenty Five thousands only) and on executing personal bond of like amount by Accused in connection with above offence subject to the following conditions :**

:: Conditions ::

- **The Accused shall remain present before the Hon'ble Sessions Court on next date and in all dates thereafter, in said**

⁴ *JIVAJI JEDEJA & Ors. Vs. STATE OF MAHARASHTRA & Ors. : 1987 CrLJ 1850 : AIR 1987 SC 1491*
⁵ *STATE OF RAJASTHAN Vs. BALCHAND : (1977) 4 SCC 308*

concerned Special NDPS Case No. 3/2026.

- The Accused shall mark his presence in concerned police station on every 10th of each month, for a period of 3 months.
- The Accused shall surrender his passport, if any, within 7 days of his release. If Accused is not holding any passport, then he shall file affidavit to that effect.
- The Accused shall not leave the Country without prior permission of Trial Court, till conclusion of trial.
- The Accused shall not directly or indirectly make any inducement, threat or promise to any witness or person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court.
- The Accused shall not directly or indirectly tamper with evidence.
- The Accused shall not indulge himself in any of the similar offence and the Accused shall maintain law and order.
- The Accused shall co-operate in conducting trial and shall remain present during trial on every dates and whenever he is unable to attend the court due to unavoidable circumstances, he shall remain present through his advocate, without fail.
- The Hon'ble Trial Court is at liberty to

take any appropriate action against the Accused, if he commit such offence again or breach any of the above said condition and to alter or change or delete any of the condition of bail.

- It is worthless to note that these observations and reasons are preliminary in nature only with a view to decide bail application and shall neither influence nor shall have binding effect to the Hon'ble Trial Court.

- Yadi of this Order, is ordered to be sent to the concerned Police Station and be kept in concerned Special NDPS Case No. 3/2026, forthwith, for information and record.

- Papers of investigation be returned back.

Signed, pronounced and declared in Open Court on this 17th day of March, 2026, at Jamnagar.

Date : 17/03/2026
Place : Jamnagar

(Rasikkumar V. Mandani)
Special Court (NDPS)
3rd Addl. Sessions Judge
Jamnagar (Code : GJ00715)

/// A.M.S ///