

GJMR010016492026



Received on : 01/06/2026

Registered on : 01/06/2026

Decided on : 10/06/2026

Exhibit :

IN THE COURT OF 2<sup>nd</sup> ADDITIONAL SESSIONS JUDGE, MORBI

Criminal Misc. Application No. 828/2026

APPLICANT :-

**Mukhtar Hussain @ Jabbar Jodiya Noormahmad Rao**

Age : 41, Occupation : Labour,

Address : Bus stand road, Motavas Jodiya,

Taluka : Jodiya, District : Jamnagar.

At present in Judicial Custody.

**Vs.**

OPPONENT :-

**The State Of Gujarat,**

Through : Public Prosecutor, Morbi.

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**Advocate:-**

**Mr. M. P. Pujara,** Learned Advocate for Applicant/accused.

**Mr. V. C. Jani,** Learned Public Prosecutor for Opponent/State.

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

- [1] The present application has been preferred by the applicant seeking to enlarge him on temporary bail on humanitarian ground for 30 days, in connection with the offence registered with Ahmedabad ATS C.R. No. III/5/2021 & NCB Ahmedabad vide C.R. No. NCB/AZU/CR-06/2022 (NDPS Case No.10/2022), for the alleged commission of

offences punishable u/s. 8(c), 22(C), 23(c), 25, 29, etc. of the Narcotic Drugs and Psychotropic Substances Act.

- [2] The learned advocate for the applicant, Mr. M. P. Pujara, submits that the present application is preferred by the applicant seeking interim bail for a period of 30 days on humanitarian and medical grounds in connection with the offence registered with Ahmedabad ATS C.R. No. III/5/2021 & NCB Ahmedabad vide C.R. No. NCB/AZU/CR-06/2022 (NDPS Case No.10/2022), for the alleged commission of offences punishable u/s. 8(c), 22(C), 23(c), 25, 29, etc. of the Narcotic Drugs and Psychotropic Substances Act. It is submitted that the investigation in the alleged offence has been completed and the charge-sheet has already been filed. It is further submitted that the applicant is suffering from serious cardiac ailments. It is also submitted that earlier, he was taken to Civil Hospital, Ahmedabad due to chest pain, where a blockage was detected and a stent was implanted. It is further submitted that the applicant is again experiencing similar symptoms and requires urgent specialized treatment at a private hospital. If timely treatment is not provided, his health may be seriously affected. It is further submitted that the applicant is the sole earning member of his family and his wife has no independent source of income. Due to his continuous incarceration, the family is facing financial hardship. The learned advocate submits that the applicant will not misuse

the liberty granted by the Court and will strictly abide by all conditions imposed. Therefore, it is prayed that this Court may be pleased to grant temporary bail for a period of 30 days.

- [3] The learned Public Prosecutor, Mr. V. C. Jani, has vehemently opposed the present application and relied upon the affidavit of the Investigating Officer produced at Exhibit 5. It is stated therein that the contention of the applicant seeking release for medical treatment and improvement of the financial condition of his family is not tenable, as the applicant cannot substantially improve the financial condition of his family within a short period of 30 days through lawful means. It is further submitted that the applicant is already receiving treatment from expert doctors. Therefore, there is no necessity for treatment at a private hospital. Hence, no circumstances exist warranting the release of the applicant from jail. It is further submitted that, in view of the provisions of Section 37 of the NDPS Act, the present application deserves to be rejected, as none of the conditions stipulated therein are satisfied. It is also stated that the applicant is facing very serious charges under the NDPS Act and was found in conscious possession of 118.650 kg of heroin, which is far in excess of the commercial quantity, indicating his active involvement in a large-scale drug trafficking syndicate. It is contended that if the applicant is released on temporary bail, even for a day, he may prejudice the prosecution case,

abscond, and may not remain available to face trial. Therefore, considering the gravity of the offence and the facts on record, it is prayed that the present application be rejected.

- [4] After carefully considering the submissions advanced by the learned Public Prosecutor and upon perusal of the material available on record, it appears that the applicant/accused has preferred the present application seeking temporary bail for a period of 30 days on the grounds of obtaining medical treatment, improving the financial condition of his family, and other humanitarian grounds. Considering the facts of the present case as well as the report filed by the Investigating Officer vide Exhibit 5, it appears that the applicant/accused is facing serious allegations under the NDPS Act. This Court is of the considered opinion that the applicant is presently receiving necessary medical treatment from expert doctors and no material has been placed on record to establish that the treatment being provided is inadequate or that his medical condition requires treatment at a private hospital. Therefore, at this stage, the medical ground advanced by the applicant does not appear sufficient to warrant his release on temporary bail. So far as the contention regarding the financial hardship of the family is concerned, this Court is of the view that the applicant cannot substantially improve the financial condition of his family within a short span of 30 days. Further, in view of the

stringent provisions of Section 37 of the NDPS Act, the present application for temporary bail cannot be favourably considered, as none of the conditions prescribed under the said provision appear to be satisfied. Considering the nature and gravity of the allegations, the material available on record, and the overall facts and circumstances of the case, this Court is of the opinion that the applicant/accused has failed to make out any genuine, sufficient, or exceptional ground warranting his release on temporary bail. Hence, the following order is passed in the interest of justice:

**:- ORDER :-**

- [1]** The present Criminal Misc. Application No.828/2026, filed by the applicant, namely, Mukhtar Hussain @ Jabbar Jodiya Noormahmad Rao, hereby stands rejected.

Signed and pronounced in the open Court on this **10<sup>th</sup> Day of June, 2026.**

Place: Morbi  
Date: 10/06/2026

**(Kamal Rasiklal Pandya)**  
2<sup>nd</sup> Additional Sessions Judge  
Morbi  
Judge Code GJ00739

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