

GJMR010016512026



Received on : 01/06/2026
Registered on : 01/06/2026
Decided on : 09/06/2026

Exhibit :

**IN THE COURT OF 2nd ADDITIONAL SESSIONS JUDGE,
MORBI**

Criminal Misc. Application No. 829/2026

APPLICANT :-

Prabhubhai Raghubhai Makwana

Aged – 67,

R/o. Bharatnagar Mafatiyapara, B/h. Vidyutnagar,
Ta. & Dist. – Morbi.

At present in Judicial Custody.

Vs.

OPPONENT :-

The State Of Gujarat,

Through – Public Prosecutor, Morbi.

Advocates:-

Mr. M. M. Patel, Learned Advocate for Applicant/accused.

Mr. N. D. Karia, Learned A. P. P. for Opponent/State.

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

- [1] The present application has been preferred by the applicant seeking to enlarge him on regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (B.N.S.S.) in connection with the offence registered with Morbi City B Division Police Station vide C.R. No. 0976/2026 for the

offences punishable under Sections 8(c), 20(a)(i) and 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985. The applicant/accused was arrested on 27/05/2026 and is presently in judicial custody.

- [2] Brief facts of the prosecution case are that the present applicant/accused, was found to be illegal cultivation and in conscious possession of a plant-based contraband substance, namely cannabis (Ganja), in contravention of the provisions of the Narcotic Drugs and Psychotropic Substances Act. During the course of the raid, applicant/accused was apprehended with plant-based contraband substance namely, cannabis (Ganja) weighing 4 kilograms and 376 grams, which was seized from his conscious possession. It is the case of the prosecution that applicant/accused, illegally cultivated, stored, and possessed the said contraband substance, thereby committing offences punishable under the relevant provisions of the NDPS Act.
- [3] Learned Advocate Mr. M. M. Patel, appearing on behalf of the applicant/accused, submitted that the raiding party did not follow the mandatory procedural guidelines prescribed under the Narcotic Drugs and Psychotropic Substances Act and that the applicant/accused has been falsely implicated in a forged and fabricated case. It is contended that the applicant has neither committed the alleged offence nor had any knowledge or involvement in the same. It is further submitted that the applicant has been in judicial custody

since 27/05/2026 and that this is the first bail application preferred by him. It is further submitted that the applicant is a family person and he is old aged. It is further submitted that the seized muddamal is of small quantity and he has not gain any financial benefits form the said muddamal. He is permanent resident at the address mentioned in the cause title, and therefore, there is no likelihood of his absconding or tampering with the evidence or influencing the witnesses. It is also submitted that the applicant undertakes to co-operate with the trial, shall not misuse the liberty granted to him, and is willing to abide by any conditions that may be imposed by this court. In view of the aforesaid submissions, it is therefore most respectfully prayed that this court may be pleased to allow the present application for regular bail, in the interest of justice.

- [4] Learned Additional Public Prosecutor, Mr. N. D. Karia, has strongly opposed the present bail application and placed reliance on the affidavit filed by the Investigating Officer at Exhibit 5. It is submitted that the applicant/accused is facing serious allegations under the provisions of the NDPS Act and that, if released on bail, it may send a wrong signal to society and encourage the commission of similar offences. It is further submitted that the applicant/accused is involved in planting and storing the contraband substance and was apprehended with direct possession of cannabis (Ganja) weighing 4 kilograms and 376 grams. It is further contended that the contraband substance seized during the

raid falls within the category of intermediate quantity and not within small quantity under the NDPS Act. Considering the seriousness of the allegations, the gravity of the offence, and the material collected during investigation, the learned A.P.P. has submitted that the present bail application deserves no consideration and is liable to be rejected.

- [5] Having heard the learned advocates appearing for the respective parties and having perused the material placed on record, this Court has considered the nature of allegations, the role attributed to the present applicant, and the stage of investigation. It appears that the contraband substance alleged to have been recovered in the present case is cannabis (Ganja) weighing 4 kilograms and 376 grams, which falls within the category of intermediate quantity. It is further noticed that the applicant has been in judicial custody since 27/05/2026. The apprehension of the prosecution regarding tampering with evidence or influencing witnesses can be taken care of by imposing suitable conditions. At this stage, without entering into the merits of the case and considering the nature of allegations, the quantity involved, the period of incarceration undergone by the applicant and the settled principles governing grant of bail, this Court is of the opinion that the discretion under Section 483 of the Bharatiya Nagarik Suraksha Sanhita deserves to be exercised in favour of the applicant. Hence, following

order is passed in the interest of justice.

-: ORDER :-

- [1]** The present bail application is hereby allowed on merits.
- [2]** The applicant/accused – **Prabhubhai Raghubhai Makwana**, is hereby ordered to be released on bail on furnishing one surety of **Rs.50,000/- (Rupees Fifty Thousand Only)** and personal bond of like amount, to the satisfaction of the Trial Court in respect of Case Registered at Morbi City B Division Police Station vide C.R. No. 0976/2026 for the offences punishable under Sections 8(c), 20(a)(i) and 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 upon the following conditions;
 - (1) The applicant/accused shall not tamper with the evidence and not try to induce or threaten to the witnesses of the case.
 - (2) The applicant/accused shall furnish the details of the passport and deposit it with the custody of the Court within 7 days, after release on bail, and if he does not possess the passport, he shall file an undertaking on oath within 7 days, after release on bail.
 - (3) The applicant/accused shall mark his presence on every Monday before the concerned police station till the filing of charge-sheet;
 - (4) The applicant/accused shall not leave the territorial

limits of Gujarat without prior permission of the Trial Court.

(5) The applicant/accused shall furnish his residential address with proof before the Ld. Trial Court as well as concerned Police Station and the applicant/accused shall not change his residential premises without prior permission of the Trial Court till the pendency of trial.

(6) It will be open for the Trial Court to delete, modify and/or relax any of the above conditions, in accordance with law.

(7) Yadi to be made accordingly to the concerned Police Station.

Signed and pronounced in the open Court on this **09th Day of June, 2026.**

Place: Morbi
Date: 09/06/2026

(Kamal Rasiklal Pandya)
2nd Additional Sessions Judge,
Morbi
Judge Code GJ00739

KVA