

Received on 12/10/25  
Registered on 12/10/25  
Decided on 15/12/2025  
Duration Y. M. D.

Exh. ....

**IN THE COURT OF SPECIAL COURT JUDGE (NDPS)**

**AND**

**10<sup>th</sup> ADDITIONAL SESSIONS JUDGE, SURAT**

**CRI. MISC. (INTERIM BAIL) APPLN. NO. 9485 / 2025**

**APPLICANT : BHARATBHAI BHAGWANBHAI**

**PATEL @ KALTHIYA**

Aged: 48 Years,

Residing at : Flat No. B-3, 304,

Aksarjyot Apartment, Nr. Bhulka

Bhavan School, Adajan, Surat.

At present: Central Jail, Lajpore, Surat.

**V E R S U S**

**OPPONENT : The State of Gujarat**

**Sub. : Application for obtaining Interim Bail...**

**APPEARANCE :-**

Mr. K. H. Daiya - Ld. Advocate for the Applicant

Mr. J. N. Pardiwala - Ld. A.P.P. on behalf of State.

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

[1] This Application has been filed for temporary (Interim) bail for 30 days. The Applicant is an accused in crime registered at Jahangirpura Police Station Surat vide C.R. No. 11210007250066/2025 for the offence punishable under Sections 8(c), 22(c) and 29 of the NDPS Act.

[2] While pressing for the Temporary bail for 30 days, the Ld. Advocate for the Applicant has submitted that the applicant has the responsibility of his family. It is further submitted that the applicant's mother is on dialysis at SIMS Hospital, Surat on serious condition. Further Report and Certificate of applicant's wife produced vide list Exh. 3. The economic condition of applicant's family is bad, applicant has to make financial arrangement for the daily expenses of the family and the treatment of his wife and no one available to take care of him, hence, the applicant prays to be released on temporary bail of 30 days for financial assistance to family. Necessary documents are produced alongwith the application which are prayed to be considered. So, the applicant prays to be released on temporary bail for 30 days.

[3] Ld. A.P.P. Mr. Dobariya, has submitted on the basis of report filed by concerned Police Officer. It is argued that the applicant has not produced any document to show the date of operation. Further, submitted that there is prima facie case against the accused in Jahangirpura Police Station C.R. No. 11210007250066/2025 under section 8(c), 22(c) and 29 of the

NDPS Act involving Mephedrone Drug of 52.770 gram. It is argued by the Ld. A.P.P. that the applicant has not shown specifically what kind of emergency treatment of the mother of the applicant for which the presence of the applicant is invariably necessary, because the son and daughter and other members of the applicant is able to do take care properly so, the presence of the applicant/accused is not necessary. The Applicant is an accused of very serious crime and there are strong chances that he would again flee away from the hand of the justice, if released on temporary bail. Therefore, the present Application be dismissed.

[4] This Court has heard the rival contentions of both sides and has also gone through the material on record. The reasons cited by the Applicant for temporary bail are very general in nature and these appears to be no emergent situation for releasing him on temporary bail. The temporary bail can only be exercised in emergent situations, where presence of Applicant is required. In view of the principle laid down by the Hon'ble Supreme Court of India in the case of 1999 Supreme Court cases (Cri.) 1522-Union of India V/s. Ram Samujh & another's and the Hon'ble Supreme Court of India in the case of State Of Kerala vs Rajesh on 24 January, 2020, CRIMINAL APPEAL NO(S). 154–157 OF 2020 and in view of the facts of the present case the muddamal involved in the matter is of commercial quantity and Section 37 of the NDPS Act would be attracted. The reasons for which the present temporary bail has been sought, do not appeal

to this Court. No ground of temporary bail is made out, hence, the present Application is hereby dismissed.

**ORDER**

- Present Criminal Misc. (Temp. Bail) Application No. 9485/2025, is hereby "**Rejected**".
- Copy of the order be send to the concerned Police Station and Jailor, Central Jail, Lajpore, Surat for information.

Signed and Pronounced in the open Court on **15<sup>th</sup>** day of **December, 2025** at **Surat**.

**Date: 15/12/2025**

**Place: Surat**

**[DEVENDRA S. JOSHI]**

10<sup>th</sup> Addl. Sessions Judge &  
Special Court Judge (N.D.P.S.),  
Surat.

**(UIC No. GJ 00817)**