

**BEFORE THE CITY CIVIL & SESSIONS COURT &
SPECIAL DESIGNATED COURT UNDER NIA ACT 2008
FOR GUJARAT AT BHADRA, AHMEDABAD**

NIA CRIMINAL MISC. APPLICATION NO. 76 OF 2025.

Applicant	Manzoor Ahmad Ali Mohammad Mir
	<u>VERSUS</u>
Opponent:-	State of Gujarat

Appearance:

Mr.R.G.Parmar, LADC, For Applicant

Mr.M.G.Kapadiya, Ld. Special PP, For Opponent.

ORDER BELOW EXH.1:-

1 The present applicant, who is an accused in the Special NIA Case No.2/20, arising out of the FIR registered as RC-26/2020/NIA/DLI for the offences punishable under Sections: 120(B) of the Indian Penal Code (For short “I.P.C.”), under Sections: 21(1)(c), 8(c), 25, 27(A), 29 of the Narcotic Drug and Psychotropic Substance Act (For short “NDPS Act”) and under Sections: 17 & 18 of the Unlawful Activities (Prevention) Act, 1967 (For short “UA(P)A), has preferred the present application, seeking enlargement on temporary bail for thirty days, on the grounds particularized in the present application.

2 On receipt of the present application from the

concerned Jail Authorities, the same was registered and numbered as Criminal Miscellaneous Application. The LADC is appointed for conducting the case of the applicant/ accused. Notice was issued to the other side.

3 The LADC for the applicant has submitted that the applicant is the accused No.5 in NIA Special Case No.2/2020. The present application has been filed for thirty days temporary bail. The wife of the applicant has filed Divorce Petition before the Jammu Kashmir Court. The applicant has been in judicial custody since last seven years. As the applicant is not able to maintain his wife, due to grudge, his wife has filed Divorce Petition and the applicant want to convince his wife not to take divorce from him.

3.1 The LADC has submitted that the applicant is ready and willing to abide by any conditions that may be imposed upon him by the Court. In view of the above, the LADC has urged to grant the present application by imposing suitable conditions.

4 The NIA has filed affidavit-in-reply at Exh.2. The Ld. Special PP has submitted that as per the police verification, the mother of the applicant is residing with her brother. The applicant has four sisters. After arrest of the applicant, the wife of the applicant has left the matrimonial home. The Ld. Special PP has submitted that the applicant can contest the divorce petition through video conference. It is submitted that as per the mandatory provisions U/s.37 of the NDPS Act and U/s.43-D(V) of the UA(P) Act, the present application may be rejected.

5 I have heard the learned advocates for the parties and perused the application.

6 The present application has been filed by the applicant - accused mainly on the ground that his wife has filed Divorce Petition against him before the Principal District Judge, at Budgam.

7 Requisite police verification is duly conducted through Beerwah Police Station, in connection with the present application. As per the said verification, the applicant's mother lives with her brother and the applicant has four sisters. It also seems that after the arrest of the applicant, his wife has left the matrimonial home. In view of the above, the applicant can contest the Divorce Petition filed by his wife through video conference or through his mother, maternal uncle or his sisters.

8 Earlier, the applicant has filed NIA Criminal Misc. Application No.44/2025 seeking regular bail application, in which also, the applicant has taken a ground of bail that his wife has filed Divorce Petition in the State of Jammu and Kashmir and the said application was rejected by this Court vide order dtd.14/10/2025.

9 The Special NIA Case No.3/2022 with 2/2020, 1/2021, 2/2021, 2/2022, 4/2023, 1/2024 & 3/2024 are cognate matters and trial in the said cases is going on. It is also clear that the applicant is facing charges under Sections: 120(B) of IPC, under Sections: 21(c) r/w 8(c), 25, 27(A) & 29 of NDPS Act and

under Sections: 17 and 18 of UA(P) Act. Hence, taking into consideration the provisions of Section:37 of the NDPS Act and more particularly two conditions mentioned therein, the applicant cannot be granted temporary bail even for a day. It is also settled that the accused of the offences under the NDPS Act should not be released on bail during trial unless the mandatory conditions provided in Section: 37(1) (b) are satisfied. As twin conditions of Section: 37 of the NDPS Act are not satisfied, no question would arise for granting temporary bail to the present applicant. As there is no sufficient grounds to consider the application, the present application is required to be rejected. Hence, the following order is passed.

ORDER

The present application is hereby rejected and accordingly disposed of.

Copy of this order to be sent to the concerned Jail Authorities with a direction to show and inform about the said order to the applicant/ accused.

Pronounced in the open Court today on this 23rd day of December, 2025.

(Manish Pradyuman Purohit)
Addl.Principal Judge &
Designated Special Judge
under NIA Act, Court No.2,
City Sessions Court,
Ahmedabad.
(Unique ID Code : GJ00604)