

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

NIA CRIMINAL MISC. APPLICATION NO. 55 OF 2025.

Applicant	Basheer Dawood Kungda @ Raja Bhathiyara
	<u>VERSUS</u>
Opponent:-	National Investigating Agency

Appearance:

Ms.N.H.Chauhan, LA, For Applicant

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

ORDER BELOW EXH.1:-

1 The applicant has preferred the present application under Section: 439(1) of the Criminal Procedure Code, praying to grant temporary bail to him in connection with R.C.No.26/2020/N.I.A./D.L.I., FIR No.1/2017, culminating into Special NIA Case No.3/2022 pending before this Court, for the offence punishable under Sections: 8(c), 21(c), 24, 25, 27(A) and 29 of the Narcotic Drug and Psychotropic Substances (NDPS) Act and

under Sections: 17 and 18 of the Unlawful Activities (Prevention) Act.

2 The learned advocate for the applicant has submitted that the present application has been preferred by the applicant for thirty days temporary bail. The applicant's wife is suffering from heart ailment. On examination at Jamnagar, it is found that the applicant's wife is suffering from cancer also. Hence, the applicant has to make arrangement of money for the treatment of his wife. The applicant is the accused No.1 in Special NIA Case No.3/2022. In view of the above, the learned advocate for the applicant has prayed to grant temporary bail for thirty days to the applicant by imposing suitable conditions.

3 As against the present application, the NIA has filed affidavit-in-reply at Exh.5. By relying upon the para-13 of the affidavit-in-reply at Exh.5, the Ld. Special PP has submitted that the applicant is having two adult sons and four daughters. Hence, there are sufficient family members for taking care of the wife of the applicant. In medical report, only mild blood pressure problem is mentioned. The applicant is facing charge under the NDPS Act and UA(P) Act. Further, 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.

4 Having heard the learned advocates for the parties and perused the application and documents attached with the application and also reply filed by the NIA.

5 The present application has been filed by the applicant - accused mainly on the ground of illness of his wife and making arrangement of money for treatment of his wife. As per the verification conducted by Salaya Police Station, Devbhoomi Dwarka, the applicant has two sons and four daughters. Both the sons of the applicant are actively supporting and taking care of their mother. It is also revealed that the applicant's wife has only a mild heart (blood pressure) problem.

6 It is also clear that earlier, the temporary bail application filed by the applicant was rejected by my Ld. Predecessor Judge being NIA Criminal Misc. Application No.25 of 2025 dtd.08/05/2025. The Special NIA Case No.3/202 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 and till date, forty six witnesses have been examined. It is also clear that the applicant is facing charges under Sections: 120(B) of IPC, U/s. 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

This application is hereby rejected.

Pronounced in the open Court today on this 30th day of October, 2025.

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