

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR SUCCESSIVE REGULAR BAIL -
AFTER CHARGESHEET) NO. 4680 of 2026**

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SANTOSH RAURAM JAAT

Versus

STATE OF GUJARAT

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Appearance:

MR ANIQ A KADRI(11256) for the Applicant(s) No. 1

MR. K M ANTANI, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE M. R. MENGDEY**Date : 02/04/2026****ORAL ORDER**

1. This application is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita for regular bail in connection with **F.I.R. No.11195003230369 of 2023 registered with Amirgadh Police Station, District** for the offences punishable under Sections 8(C), 15(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Learned advocate for the applicant submitted that the applicant has been arrested in connection with the present offence on 08.06.2023. Thus, the applicant has undergone incarceration for more than two years and eight months by now. The applicant was found in conscious possession of the contraband substance poppy straw worth 51.750 kgs, which is marginally above the commercial quantity.

2.1 Learned advocate appearing for the applicant has sought to rely upon the judgment of Hon'ble Delhi High Court rendered in the case of Vinay Sharma Vs. State Govt. of NCT of Delhi, wherein the Dehli High Court has observed that when the quantity of contraband substance is marginally over, the case of the respective accused should be considered considering the quantity to be intermediate quantity. He therefore submittd that considering the nature of offence and role attributed to the applicant, the applicant may be enlarged on regular bail by imposing suitable conditions.

3. The learned APP appearing for the respondent State vehemently submitted that the applicant was found in conscious possession of contraband substance poppy straw worth 51.5 kgs which is commercial quantity and therefore, rigors of Section 37 of the NDPS Act would come into play. He, therefore, submitted that the offences alleged against the present applicant is serious in nature and looking to the facts as well as the allegations made against the applicant, no discretion should be exercised.

4. Heard learned advocates for the respective parties and perused the documents produced on record. The applicant was earlier preferred Criminal Misc. Application No.16227 of 2023 which was allowed to be withdrawn vide order dated 16.10.2023. While allowing the said application, liberty was granted him to tile an application afresh after six months. Thereafter, the applicant has filed another application being Criminal Misc. Application No.13806 of 2025 which was allowed to be withdrawn vide order dated 01.08.2025. Thereafter, the

present being successive application filed by the applicant. It is sought to be argued on behalf of the applicant that the trial has been delayed for no fault on the part of the present applicant. This Court vide order dated 20.03.2026, had asked the learned trial Court to submit its report as regards the current status of trial. The report so submitted by the learned trial Court indicates that though the prosecution has cited as many as 21 witnesses in the Charge-sheet, it would be sufficient to examine six witnesses to prove the case.

5. Having regard to these facts, the applicant herein was found in conscious possession of contraband substance of poppy straw. Therefore, the delay in trial cannot be ground as per the law laid down by the Hon'ble Supreme Court in the case of *Union of India v. Vigin K. Varghese*, in case wherein the commercial quantity is involved of the contraband substance.

6. Considering the aforesaid facts, this Court is not inclined to exercise its judicial discretion in favour of the applicant. The application is dismissed.

(M. R. MENGDEY,J)

NABILA

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: NABILABANU MOHAMADNOOR PATNIJAMAT(HC00630), Private Secretary, at High Court of Gujarat on 07/04/2026 11:22:44