

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER
CHARGESHEET) NO. 4744 of 2026

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SHAMSHER @SHAMMO MOHAMMAD KUNNI A.V.C.
Versus
STATE OF GUJARAT

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Appearance:
A S TIMBALIA(7372) for the Applicant(s) No. 1
MR TRUPESH KATHIRIYA, ADDL. PUBLIC PROSECUTOR for the
Respondent(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

Date : 11/03/2026

ORAL ORDER

1. Heard learned advocate Mr.A.S.Timbalia appearing on behalf of the applicant and learned Additional Public Prosecutor Mr.Trupesh Kathiriya appearing on behalf of the respondent-State.

2. **Rule.** Learned APP waives service of rule on behalf of the respondent-State.

3. The applicant has filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for enlarging the applicant on Regular Bail in connection with FIR being C.R. No. 11191011250283/2025 registered with D.C.B. Police Station, Ahmedabad City for the offence punishable

under Sections 8(C), 22(c), 29 of the NDPS Act.

4. Learned advocate for the applicant would submit that considering the role attributed to the applicant, and nature of the allegation levelled, the applicant may be enlarged on regular bail. It is further submitted that since the charge-sheet is filed no useful purpose would be served by keeping the applicant in jail for indefinite period. It is further contended that the applicant is ready and willing to abide by all the conditions that may be imposed by this Court if released on bail.

5. As against the same, learned Additional Public Prosecutor appearing for the respondent - State has vehemently objected to the grant of regular bail. Learned APP has submitted that looking to the nature of offence and the role attributed to the present applicant as coming out from the charge-sheet, this Court may not exercise the discretion in favour of the applicant and the application may be dismissed.

6. I have heard learned advocates appearing on behalf of the respective parties and perused the papers. Following aspects are considered:-

- i. The allegation being that the accused had transacted in contraband -Mephedrone more particularly approximately 70 grams having been found from the conscious possession of the co-accused i.e. 4.160 grams from one of the co-accused and 67.570 grams from another co-accused.
- ii. The applicant not being a person from whom the contraband had been found.
- iii. The allegation against the applicant being that the present applicant had been a middleman who had purchased the contraband in question and sold it to co-accused by adding his commission of Rs.50/- per gram thereupon.
- iv. Such allegation stemming from the statement of co-accused. Apart from the statement of the co-accused, there are two calls appearing as per the CDR with other co-accused. Beyond the same, there being no other material against the present applicant.
- v. It also appears that the supplier, to whom the present applicant had allegedly sold the contraband, having been considered by this Court for enlargement on regular bail.
- vi. The fact of the accused from whose possession the contraband i.e. 4.160 grams was found, having been

considered by this Court for enlargement on regular bail.

vii. The fact of the present applicant having eight antecedents of which in one, the applicant is stated to have transacted in commercial quantity of contraband, yet, to this Court, it would appear that the allegation against the present applicant is that he had acted as a middleman and there being limited material against the present applicant, so also considering the fact that the applicant is in custody since 05.09.2025 and the charge-sheet being filed, this Court is inclined to consider this application.

This Court has taken into consideration the law laid down by the Hon'ble Apex Court in the case of **Sanjay Chandra v. Central Bureau of Investigation reported in [2012] 1 SCC 40.**

7. In the facts and circumstances of the case and considering the nature of the allegations made against the applicant in the First Information Report, without discussing the evidence in detail, prima facie, this Court is of the opinion that this is a fit case to exercise the discretion and enlarge the applicant on regular bail.

8. Hence, the present application is allowed. The applicant

is ordered to be released on bail in connection with F.I.R. registered as C.R. No. 11191011250283/2025 registered with D.C.B. Police Station, Ahmedabad City, on executing a bond of Rs.25,000/- (Rupees Twenty Five Thousand only) with one surety of the like amount to the satisfaction of the trial Court and subject to the conditions that he shall;

[a] not take undue advantage of liberty or misuse liberty;

[b] not act in a manner injurious to the interest of the prosecution;

[c] surrender passport, if any, to the lower court within a week;

[d] not leave the State of Gujarat and Maharashtra without prior permission of the Sessions Court concerned;

[e] furnish the present address of residence to the I.O. and also to the Court at the time of execution of the bond and shall not change the residence without prior intimation to the I.O.;

[f] mark presence once a month for a period of six months before the concerned police station.

9. The Authorities will release the applicant only if he is not

required in connection with any other offence for the time being. If breach of any of the above conditions is committed, the Sessions Court concerned will be free to take appropriate action in the matter.

10. Bail bond to be executed before the lower court having jurisdiction to try the case. It will be open for the concerned Court to delete, modify and/or relax any of the above conditions in accordance with law.

11. At the stage of trial, the trial court shall not be influenced by any observations of this Court which are of preliminary nature made at this stage, only for the purpose of considering the application of the applicant for being released on regular bail.

12. The application is allowed in the aforesaid terms. Rule is made absolute to the aforesaid extent. Direct service is permitted.

Bhoomi

(NIKHIL S. KARIEL,J)

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: BHOOMI YOGESHBHAI MISTRY(HC01557), PRIVATE SECRETARY, at High Court of Gujarat on 13/03/2026 11:29:55