

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - BEFORE
CHARGESHEET) NO. 4946 of 2026**

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KAMLESH S/O SOHANLAL GANESHLAL TELI

Versus

STATE OF GUJARAT

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Appearance:

MR. KISHAN H DAIYA(6929) for the Applicant(s) No. 1

MR JAY MEHTA ADDITIONAL PUBLIC PROSECUTOR for the Respondent(s)
No. 1

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL**Date : 27/02/2026****ORAL ORDER**

1. Heard learned Advocate Mr. Kishan Daiya on behalf of the applicant and learned Additional Public Prosecutor Mr. Jay Mehta for the respondent-State.

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

3. The present applicant who has been arraigned as an accused has preferred 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. 11199021250964 of 2025 registered with Ankleshwar G.I.D.C Police Station, District: Bharuch** for the offence punishable under Sections 8(C), 20(b)(ii)(C), 25 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as the 'NDPS Act') before filing of the charge-sheet more particularly the

application preferred by the applicant having been rejected by the learned Trial Court.

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 not 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, this Court may not exercise the discretion in favour of the applicant and the application may be dismissed.

6. This Court has 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 the contraband that is Bhang, weighing around 44 Kilograms.

(ii) The fact of the allegation against the applicant being that he was supplier of the contraband in question and whereas it would appear that the contraband was packed in readymade covers and it

would also appear from the perusal of the FIR that the same was manufactured in Haryana.

(iii) The applicant being not attributed the manufacture and whereas the role attributed is having supplied it to the other accused.

(iv) The fact of the accused who were found in concussions possession, having been considered by learned Co-ordinate Bench as well as this Court.

(v) The fact of the applicant being arrested on 25.04.2026.

(vi) There being no antecedents against the present applicant.

8. 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**.

9. In the facts and circumstances of the case and considering the nature of the allegations made against 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.

10. Hence, the present application is allowed. The applicant is ordered to be released on bail in connection with FIR being **C.R. No. 11199021250964**

of 2025 registered with Ankleshwar G.I.D.C Police Station, District: Bharuch on executing a bond of Rs.50,000/- (Rupees Fifty Thousands 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 without prior permission of the Sessions Court concerned;
- [e] Mark his presence at the concerned Police Station once in a week till charge-sheet is filed and thereafter once in a month for a period of six months
- [f] 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 residential address without prior permission of the Sessions Court;

11. 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 Judge concerned will be free to take appropriate action in the matter.

12. 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.

13. 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.

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

(NIKHIL S. KARIEL,J)

NIRU

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: NIRU ROSHAN SHAH(HC00211), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 03/03/2026 11:06:02