

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL MISC. APPLICATION (FOR ANTICIPATORY
BAIL) NO. 5632 of 2026**

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SOHAM ODHAVJIBHAI GABANI

Versus

STATE OF GUJARAT

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Appearance:

MR ABDULVAAJID Z SHAIKH(11566) for the Applicant(s) No. 1
MR CHINTAN DAVE, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR.JUSTICE P. M. RAVAL

Date : 29/04/2026

ORAL ORDER

1. Heard, learned advocate for the applicant and the learned Additional Public Prosecutor for the respondent – State.

2. The learned advocate for the applicant would submit that the applicant is aged 27 years and a qualified Engineer, professionally engaged in Surat and has nothing to do with the crime in question.

2.1 The learned advocate for the applicant would further submit that the applicant has not found in conscious possession of the narcotic substance alleged to have been recovered from one Nitesh

Nathabhai Khambhadiya.

2.2 The learned advocate for the applicant submitted that the applicant is named in the FIR based on the statement of the co-accused, which cannot be looked into since it would hit by Sections 25 and 26 of the Evidence Act.

2.3 The learned advocate for the applicant would further submit that even as per Section 37 of the NDPS Act, when the applicant is not found in conscious possession of the Narcotic substance and the quantity being intermediate, the rigors of Section 37 do not apply.

2.4 It is submitted that *prima facie* custodial interrogation is not required when the drugs has been recovered from accused Nitesh Nathabhai Khambhadiya and thus, it is argued that present application requires consideration.

3. At this juncture, the learned advocate for the applicant seeks time to take instructions with regard to as to how location of the applicant was found in the vicinityh when raid was conducted and that, as to how, the applicant came in contact with accused - Nitesh Nathabhai Khambhadiya.

4. Accordingly, at his request, adjourned to tomorrow *i.e.*
30th April 2026.

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[P. M. Raval, J.]