

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER
CHARGESHEET) NO. 5649 of 2025**

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KAILASH PATRA A. KAMA PATRA

Versus

STATE OF GUJARAT

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Appearance:

MR.HITENDRA D RAJPUT(7224) for the Applicant(s) No. 1

MR UTKARSH SHARMA, APP for the Respondent No.1

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CORAM:HONOURABLE MR. JUSTICE M. R. MENGDEY

Date : 12/06/2025

ORAL ORDER

1. The applicant has filed this Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) for enlarging the applicant on Regular Bail in connection with FIR being C.R. No.11210060230407 of 2023 registered with Varaccha Police Station, District:Surat for the offences punishable under Sections, 8(c), 20(B)II(C) and 29 of the Narcotic Drugs and Psychotropic Substances Act.

2. Heard learned advocate Mr.Hitendra D. Rajput appearing for the applicant and learned APP Mr.Utkarsh Sharma for the Respondent - State.

3. Learned advocate for the applicant submitted that in the present offence, investigation of the offence is over and charge-sheet has been filed. The present applicant has been arrested in connection with the present offence on 21.2.2023 and since then the applicant is in custody. He submitted that only charge has been framed in the trial court and thereafter there has been no substantial progress in the trial. He further submitted that the present applicant was found in conscious possession of the

contraband substance of Ganja while he was travelling in Train. He, therefore, submitted to allow the present application and enlarge the present applicant on bail subject to suitable conditions.

4. The application is opposed by learned APP for the respondent contending that the present applicant was found in conscious possession of the contraband substance of Ganja worth 20 kilograms, which is a commercial quantity and therefore, the rigours of Section 37 of the NDPS Act would apply to the facts of the present case. Moreover, the trial of the offence has already commenced and several witnesses has been examined in the trial. He, therefore, submitted to dismiss the present application.

5. This Court has considered the submissions canvassed by learned advocates for the parties and has also perused the material placed on record. As per the case of prosecution, the present applicant was found in conscious possession of the contraband substance of Ganja worth 20 kilograms while he was traveling in Train. The quantity involved in the present offence is a commercial quantity and therefore, the rigours of Section 37 of the NDPS Act would apply to the facts of the present case. Moreover, as pointed out by learned APP, by now, trial of the offence has already commenced.

6. Considering all these aspects, no case is made out to exercise discretion in favour of the applicant. The present Application is dismissed.

(M. R. MENGDEY,J)

Manshi