

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER
CHARGESHEET) NO. 10054 of 2026**

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AHEMAD ABBASBHAI NAQVI

Versus

STATE OF GUJARAT

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Appearance:

MS. PUNNAM R SONI(19421) for the Applicant(s) No. 1

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

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

Date : 29/04/2026

ORAL ORDER

1. Heard learned Advocate Ms. Punnam R. Soni appearing on behalf of the applicant and learned Additional Public Prosecutor Mr. Hardik Mehta 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 these application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for enlarging the applicant on Regular Bail in connection with **C.R. No. 28/2025/26 registered with**

Jamvala Range Forest, District: Junagadh for the offence punishable under Sections 2(4) of the Indian Forest Conservation Act, 1927 and Sections 2(1), 2(11), 2(14), 2(16), 2(33), 2(35), 2 (36), 9, 39, 43, 49, 50, 51, 52, 55 and 57 of the Wildlife Protection Act, 1972 and Amendment Act, 2022.

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, this Court may not exercise the discretion in favour of the applicants 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 against the accused being that they had transacted in animals which are part of the schedule of the Wildlife Protection Act.
- (ii) While the principal offence is serious where some of the co-accused were found in possession of a 'pangolin', the allegation in the present applicant is of having being found with a water turtle.
- (iii) This Court has considered the fact that the applicant is in custody since 31.10.2025, the charge-sheet having been laid by the Investigating Officer and the applicant not having any antecedents of nature whatsoever.
- (iv) Considering the animal which was involved, which is a water turtle which is otherwise a common species and whereas considering the period of incarceration 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 **C.R. No. 28/2025/26 registered with Jamvala Range Forest, District: Junagadh**, on executing a bond of **Rs.10,000/- (Rupees Ten 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 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 before the concerned police station once a month for a period of six months.

9. The Authorities will release the applicants 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.

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(NIKHIL S. KARIEL,J)