

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER
CHARGESHEET) NO. 9551 of 2026**

=====

MOHANBHAI SOMABHAI BUBADIYA
Versus
STATE OF GUJARAT

=====

Appearance:
MR.SANDIP KAPADIYA, ADVOCATE for MS PALAK G JADEJA(11163) for
the Applicant(s) No. 1
MR K K BHATT(12899) for the Applicant(s) No. 1
MS.JYOTI BHATT, APP for the Respondent(s) No. 1

=====

**CORAM:HONOURABLE MR.JUSTICE UTKARSH THAKORBHAI
DESAI**

Date : 06/05/2026

ORAL ORDER

1. Heard learned advocate appearing on behalf of the applicant and learned Additional Public Prosecutor 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. 11995001260006 of

2026 registered with State Monitoring Cell Police Station, Gandhinagar, for the offence punishable under Sections 8(C), 20(b)(ii)B, 29 of the NDPS Act, 1985.

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, further incarceration of the applicant will not benefit the Investigation Officer in any manner. 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 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 charge-sheet papers. Following aspects are considered:-

i. The applicant is a permanent resident of Sabarkantha district, hence would be available at the time of trial;

ii. The investigation being over, charge-sheet has been filed;

iii. The applicant does not have any criminal antecedent;

iv. As per the prosecution case, the applicant and the co-accused Amraram @ Shankar Ajiyaram Laur, while were proceeding to sell the contraband Ganja, as per the affidavit of the I.O. which was submitted before the learned Special Court of Sabarkantha at Himmatnagar

in Criminal Misc. application No.357 of 2026, it is mentioned that the co-accused Amraram @ Shankar Ajiyaram Laur was carrying three cloth bags consisting of 7.005 kgs of ganja whereas, the applicant was in possession of one bag, consisting contraband ganja weighing 4.014 kgs which is of intermediate quantity;

v. The contraband Ganja which was recovered from the applicant was not of commercial quantity, hence the rigors of Section 37 of the NDPS Act would not apply;

vi. The apprehension of the learned APP as regards the applicant if granted bail, he would once again indulge in such or similar offense, can be put to rest by imposing stringent conditions.

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 FIR being C.R. No. 11995001260006 of 2026 registered with State Monitoring Cell Police Station, Gandhinagar, on executing a bail 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 trial court within

a week, and if he does not possess a passport, he shall file an affidavit to that effect;

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

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

[f] mark presence on every Monday before the concerned police station, till the trial is over.

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 Trial Court concerned shall be at liberty to take appropriate action against the applicant, in accordance with law.

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 enlarging the applicant on regular bail.

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

ANKIT SHAH

(UTKARSH THAKORBHAI DESAI, J)