

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR SUCCESSIVE REGULAR BAIL -
AFTER CHARGESHEET) NO. 10723 of 2026**

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NARESHBHAI RANINGBHAI VAGHOSHI

Versus

STATE OF GUJARAT

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Appearance:

MALAY S PATEL(8901) for the Applicant(s) No. 1

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

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL**Date : 12/06/2026****ORAL ORDER**

1. Heard learned Advocate Mr. Malay Patel on behalf of the applicant and learned Additional Public Prosecutor Mr. Hardik Soni on behalf of 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. 11198006252794 of 2025 registered with Ghogha Road Police Station, Bhavnagar** for the offences punishable under Sections 8(c), 21(A) and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as the 'NDPS Act') after filing of the charge-sheet more particularly the application

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

4. Learned Advocate on behalf of the applicant would submit that considering the role attributed to the applicant, and nature of the allegation levelled against, 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 submitted that applicant is ready and willing to abide by all the conditions that may be imposed by this Court if released on bail.

5. The present application is vehemently objected to by learned APP on behalf of respondent- State by submitting 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 the discretion in favour of the applicant and the application may be dismissed.

6. This Court has heard learned Advocates for the respective parties and perused the FIR including the charge-sheet papers as well as order passed by learned Session Court as well as affidavit filed by the investigating officer before the learned Trial Court.

7. This Court has also considered the following aspects:

(i) The allegation being that the applicant had dealt in contraband cough syrup containing Codeine Phosphate being 90 bottles in all.

(ii) It also appears that the present applicant is arraigned as accused in 8 offences and whereas it is informed that of 8 offences,

five offences are over and whereas while the applicant appears to be convicted in couple of the offences the same are under the provisions of the Gambling Act.

(iii) Having considered the above, this Court has noticed the fact that the applicant does not have any antecedents under the NDPS Act.

(iv) This Court has also considered the fact that the applicant is in custody since 15.12.2025 that is more than six months.

(v) This Court has also considered comparatively less number of bottles of contraband.

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 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.

10. Hence, the present application is allowed. The applicant is ordered to be released on bail in connection with FIR being **C.R. No. 11198006252794 of 2025 registered with Ghogha Road Police Station, Bhavnagar** on executing a bond of **Rs.25,000/- (Rupees Twenty Five 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] **not enter into Bhavnagar District for a period of six months;**

[f] **mark presence at Dhandhuka Police Station, District: Ahmedabad once a month for a period of six months;**

[g] **mark present once in a month for a period of three months after entering into Bhavnagar District.**

[h] furnish the proposed 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 intimation to the I.O.

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.

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(NIKHIL S. KARIEL,J)