

(2025) 12 GUJ CK 0037

Gujarat High Court

Case No: R/Criminal Misc.Application (For Regular Bail - After Chargesheet) No. 20749 Of
2025

Badal @ Kanna Surendra Sahu

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision: Dec. 16, 2025

Acts Referred:

- Bharatiya Nagarik Suraksha Sanhita, 2023-Section 483
- Narcotic Drugs And Psychotropic Substances Act, 1985-Section 8(C), 20(B)(ii)(C), 29

Hon'ble Judges: Nikhil S. Kariel, J

Bench: Single Bench

Advocate: Kishan H Daiya, Divyangna Jhala

Final Decision: Allowed

Judgement

Nikhil S. Kariel, J

1. Heard learned advocate Mr. Kisan Daiya appearing on behalf of the applicant and learned Additional Public Prosecutor Ms. Divyangna Jhala 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. 11210070240780 of 2024 registered with Bhestan Police Station, Surat City, for the offence punishable under Sections 8(C), 20(B) (ii) (C) and 29 of NDPS Act.

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 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. I have heard learned advocates appearing on behalf of the respective parties and perused the papers. Following aspects are considered:

(i) While the offence is very serious inasmuch as commercial quantity i.e. 25 Kgs. of contraband material Ganja having been recovered from the room, where the present applicant along with other co-accused were present, yet it would prima facie appear that the present applicant may not be involved in the offence in question.

(ii) The investigation has revealed that the contraband had been called for by co-accused Bastav alias Banti and whereas co-accused Pradip, Bastav alias Banti and the present applicant along with co-accused Santosh had travelled in train for coming to Surat and whereas it would not appear that the present applicant had any knowledge about co-accused having brought contraband material along with them.

(iii) It also does not appear that there is any money trail or any allegation as regards being involved in the offence against the present applicant.

(iv) The fact of co-accused Pradip, who is alleged to have brought material, having been considered for release by a learned Coordinate Bench.

(v) The fact of applicant being aged 24 years, without any antecedents.

This Court has taken into consideration the law laid down by the Honble 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 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 F.I.R. registered as C.R. 11210070240780 of 2024 registered with Bhestan Police Station, Surat City, 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] 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.;

[e] mark presence once every three months for a period of one year before the concerned police station.

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 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.