

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER
CHARGESHEET) NO. 18770 of 2026**

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BHUVNESH S/O GAUTAM TAJENG BUNKAR
Versus
STATE OF GUJARAT

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Appearance:

VIRAL K VASHI(8220) for the Applicant(s) No. 1
MS SHRUTI PATHAK, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR

Date : 30/09/2026

ORDER

[1.0] **RULE.** Learned APP waives service of rule for the respondent-State.

[2.0] The present application is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short "BNSS") for regular bail in connection with **FIR being C.R. No. 11191011260041 of 2026** registered with **DCB Police Station, Ahmedabad City**, for the offence under Sections 8(c), 20(b)(ii)(c), 23(b) and 29 of NDPS Act.

[3.0] Learned advocate appearing on behalf of the applicant submits that applicant is innocent and has been falsely implicated in the offence. Investigation is over and chargesheet has been filed. The applicant has no past antecedent. It is submitted that, nothing is recovered from the conscious possession of the applicant and not only that, based on the statement of co-accused, the applicant is arraigned as an accused. Co-accused having similar role is enlarged by coordinate Bench of this Court. The applicant has no past antecedent. He therefore submits that, considering the nature of the offence, the applicant may be enlarged on regular bail by imposing suitable conditions.

[4.0] Learned APP appearing on behalf of the respondent-State has opposed the present application and submitted that, the applicant is facing

serious charges and involved in trafficking of narcotic drugs. The applicant is a kingpin and used to send his persons to Thailand to receive consignment of drugs. Four persons Umesh, Prashant, Manish and Vishal went to Thailand at the behest of the applicant. The applicant was caught red handed at Maharashtra and offence is registered at Mumbai. Total 22 Kgs contraband was transported to Ahmedabad and from Ahmedabad and Jiya and Chetan were caught red handed with conscious possession of contraband. The applicant is directly connected with the drug trafficking activities. Considering the rigors of Section 37 of the NDPS Act, applicant may not be granted bail as he having similar nature of past antecedent at Maharashtra. Therefore, it is very much establishes that the applicant is involved in the offence and if he is granted bail, possibility cannot be ruled out to indulge himself in such type of offence again. Considering the gravity of offence, application does not deserve any consideration.

[5.0] While granting bail, the Court has to consider the involvement of the accused in the alleged offence, the jurisdiction to grant bail has to be exercised on the basis of the well settled principles having regard to the facts and circumstances of each case and the following factors are to be taken into consideration while considering an application for bail: (i) the nature of accusation and the severity of the punishment and the nature of the materials relied upon by the prosecution; (ii) reasonable apprehension of tampering with the witnesses and threat to the complainant or the witnesses; (iii) reasonable possibility of securing the presence of the accused at the time of trial or the likelihood of his abscondence; (iv) character behaviour and standing of the accused and the circumstances which are peculiar to the accused; (v) larger interest of the public or the State and similar other considerations are required to be considered.

[6.0] I have heard the learned advocates appearing on behalf of the respective parties and perused the investigation papers. Following aspects have been considered:

- (1) Investigation is over and chargesheet has been filed;
- (2) Applicant is behind the bar since 25.02.2026;
- (3) There is nothing to be recovered or discovered from the applicant;
- (4) There is no possibility to conclude the trial in near future.
- (5) No past antecedent except at Maharashtra for the very same offence.
- (6) Allegation against the applicant is that, the applicant is a kingpin and at his behest, alleged contraband was transported from Maharashtra to Gujarat. But nothing is found from conscious possession of the applicant. Two co-accused Jiya and Chetan were apprehended with conscious possession of 22 Kgs. hybrid Ganja, but no material or CDR is collected during the investigation. So far rigors of Section 37 of the NDPS Act is concerned, separate offence is registered at Maharashtra. In absence of any conscious possession from the applicant or any inspiring material except bare statement of the co-accused, nothing is there to connect the applicant with the alleged offence.
- (8) Co-accused Haresh Vaghela who facilitated co-accused including making arrangement of money travel plan, is enlarged on regular bail by coordinate Bench of this Court and therefore, on the ground of parity also (**Rameshbhai Batubhai Dhabhi Vs. State of Gujarat reported in 2011 (3) GLR 1999**), present application deserves consideration.

[7.0] This Court has also taken into consideration the law laid down by the Hon'ble Apex Court in the case of **Sanjay Chandra vs. Central Bureau of Investigation** reported in **[2012]1 SCC 40** as well as in the case of **Gudikanti Narasimhulu And Ors vs. Public Prosecutor, High Court of Andhra Pradesh** reported in **(1978)1 SCC 240**. Obviously, the conclusion of trial will take time and keeping the accused behind the bars is nothing but amounts to pre-trial conviction and therefore, considering the celebrated

principle of bail jurisprudence is that "bail is a rule and jail is exception" as well as the concept of personal liberty guaranteed under Article 21 of the Constitution of India, present application deserves consideration.

[8.0] In the facts and circumstances of the case and considering the nature of the allegations made against the applicant in the FIR, 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. Hence, the present application is allowed. The applicant is ordered to be released on regular bail in connection with **FIR being C.R. No. 11191011260041 of 2026** registered with **DCB Police Station, Ahmedabad City** on executing a personal bond of Rs.25,000/- (Rupees twenty five thousand) 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 & shall not obstruct or hamper the police investigation and shall not to play mischief with the evidence collected or yet to be collected by the police;
- (c) surrender passport, if any, to the Trial Court within a week;
- (d) not to leave India till trial is over, without prior permission of the Trial Court concerned;
- (e) mark presence before the concerned police station once in a month for a period of six months;
- (f) furnish the Aadhar card, email ID/present address of his residence to the Investigating Officer and also to the Court at the time of execution of the bond and shall not change the residence/contact number, SIM number without prior permission of Trial Court;
- (g) if the applicant is found to be indulged in any illegal activities in future, the trial Court concerned will be free to issue warrant and cancel the bail granted to the applicant.

[9.0] 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 issue warrant or take appropriate action in the matter.

[10.0] 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.

[11.0] At the trial, the trial Court shall not be influenced by the observations of preliminary nature qua the evidence at this stage made by this Court while enlarging the applicant on bail.

[12.0] Rule is made absolute to the aforesaid extent. Direct service is permitted.

(HASMUKH D. SUTHAR,J)

SUCHIT