

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER CHARGESHEET) NO. 8187 of 2026

=====

PRAVINBANU IBRAHIMBHAI SULTAN MAMREJ KURESHI
Versus
STATE OF GUJARAT

=====

Appearance:
MR MUSAIB I SHAIKH(10565) for the Applicant(s) No. 1
MR HARDIK MEHTA ADDL. PUBLIC PROSECUTOR for the Respondent(s)
No. 1

=====

CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

Date : 24/04/2026

ORAL ORDER

1. Heard learned advocate Mr. Musaib Shaikh 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 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. 11191027240279 of 2024 registered with Karanj Police Station, Ahmedabad, for the offence punishable under Sections 8(c), 22(c) and 29 of the 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) The offence being very serious inasmuch as to have transacted in contraband Mephedrone weighing 72 grams – commercial quantity and whereas it would appear that the present applicant was the person from whom the commercial quantity of the contraband was recovered.
- (ii) While the learned advocate Mr. Shaikh would draw the attention of this Court to the observations in the FIR itself, which according to the learned advocate would reveal that the present applicant had acted as carrier only for a sum of Rs.5000/-, more particularly submission being as per the FIR that the sender of the contraband was one Mustaq Gulamrasul Shaikh, who was uncle of the present

applicant and the proposed receiver was one Firdoshbanu, who was an aunt of the present applicant .

- (iii) Learned advocate would also try and submit that both the senders and proposed receiver have been enlarged on regular bail by the learned trial Court as well as learned Coordinate Bench of this Court. Learned advocate would submit that considering the role of the present applicant as a carrier and considering that the co-accused have been released, this Court may consider and release the present applicant.
- (iv) While this Court is not impressed with the submissions made by the learned advocate, more particularly, to this Court, it would appear that the present applicant being the person from whom the contraband was found, the role attributed to the present applicant stands completely different than the role attributed to the co-accused, who have been released as observed hereinabove.
- (v) As regards the allegation of the applicant only being a carrier, from the FIR clearly appears that the said version is one given by the present applicant.
- (vi) Having observed hereinabove, yet this Court has considered the fact that present applicant is a lady accused, having three minor children and whereas it also appears that one child of the present applicant is with the present applicant in judicial custody.
It also appears that the applicant is in custody since 07.06.2024 i.e. almost a period of 22 months.
- (vii) This Court has also noticed that the present applicant does not have any antecedent.
- (viii) Considering the above, while it prima facie appears to this Court that the offence is very serious and the role of the present applicant as

the person in conscious possession of the contraband cannot be ignored, yet considering that the applicant does not have any antecedents, being a lady accused, therefore, twin requirement under Section 37(1)(b)(ii) of the NDPS Act being fulfilled, this Court is inclined to consider this application, albeit, with appropriate safeguards.

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 F.I.R. registered as C.R. No.11191027240279 of 2024 registered with Karanj Police Station, Ahmedabad, on executing a 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 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 once a fortnight for a period of six months and once a month till the trial concludes 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.

Y.N. VYAS

(NIKHIL S. KARIEL,J)