IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER CHARGESHEET) NO. 27366 of 2025

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RESHMABEN W/O SULTAN FAIZMAHAMMED RAUMA(RESHMABEN SULTAN FAUJMAHAMMED JUMMABHAI RAUMA)

Versus

STATE OF GUJARAT

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Appearance:
MR DEVANSH KAKKAD FOR MR JIMIT P SHAH(9917) for the Applicant(s) No. 1
MR JAY MEHTA ADDL. PUBLIC PROSECUTOR for the Respondent(s) No. 1
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CORAM:**HONOURABLE MR. JUSTICE NIKHIL S. KARIEL**

Date : 24/12/2025

ORAL ORDER

1. Heard learned advocate Mr. Devansh Kakkad for learned advocate Mr. Jimit Shah appearing on behalf of the applicant and learned Additional Public Prosecutor Mr. Jay 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. 11823021250607/2025 registered with Sagbara Police Station, Dist.: Narmada, for the offence punishable under Sections 8(c), 20, 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) While the offence concerned is very serious, where double the commercial quantity of contraband – Ganja weighing 43 Kgs. having been recovered from a car in which the present applicant was travelling, yet it would appear that the case of the present applicant is required to be considered.

(ii) The fact that the applicant was travelling in the car with her husband and the main allegation of being in touch with the seller being levelled against the husband.

(iii) The fact of the applicant being a young lady aged around 22 years without any antecedents of being involved of whatsoever.

(iv) While the fact of knowledge could be attributed, yet to this Court, it would appear that even after the charge-sheet having been laid, there is no specific role attributed to the present applicant except being present in the car.

(v) Having regard to the above, since it appears that though the

commercial quantity was recovered from the vehicle, yet considering that the applicant was stated to be accompanying her husband and since the charge-sheet does reveal any specific role as regards the present applicant being involved in the crime and since it is revealed that the husband of the applicant was the one, who was in touch with the seller and the requirement of Section 37(1)(b)(ii) of the NDPS Act being fulfilled, this Court is inclined to consider this application.

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. 11823021250607/2025 registered with Sagbara Police Station, Dist.: Narmada, 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.;

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.

(NIKHIL S. KARIEL,J)

Y.N. VYAS

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: YAGNESH NARENDRABHAI VYAS(HC00207), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 26/12/2025 15:42:09