

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR SUCCESSIVE REGULAR BAIL -
AFTER CHARGESHEET) NO. 3718 of 2026**

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DHARMSHIBHAI @HAMJIBHAI VAJABHAI DHAPA

Versus

STATE OF GUJARAT

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Appearance:

MR. NILAY A THAKER(7275) for the Applicant(s) No. 1

MR. MEET THAKKAR, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE M. R. MENGDEY**Date : 13/02/2026****ORAL ORDER**

1. **Rule.** Learned APP waives service of notice of Rule on behalf of respondent-State.
2. This application is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita for regular bail in connection with F.I.R.No. 11198014220276 of 2022 registered with Datha Police Station, District Bhavnagar, for the offences punishable under Sections 8(B), 8(C), 20(b)(11)(A), 20(b) (11)(B), 20(b)(11)(C) and 29 of the NDPS, Act.
3. Learned advocate for the applicant has submitted that considering the nature of offence and role attributed to the applicant, the applicant may be enlarged bail by imposing suitable conditions.

4. Learned APP has opposed the present application, contending that the present applicant was cultivating a plant of cannabis of 529 kg, which is a commercial quantity. He, therefore, submitted to dismiss the present application. Learned APP has, therefore, submitted that the offence is serious in nature and looking to the facts as well as the allegations levelled against the applicant, no discretion is required to be exercised.
5. Heard learned advocates for the respective parties. Investigation is over and charge-sheet is filed. The applicant had earlier filed a bail application, being Criminal Misc. Application No. 5090 of 2023, which was dismissed by this Court vide order dated 09.05.2024. Thereafter, the other co-accused came to be considered for grant of bail by a co-ordinate Bench of this Court vide order dated 09.01.2026. The role attributed to the present applicant is similar to the role attributed to the other co-accused and is required to be considered the same. The application deserves consideration.
6. This court has also considered the following aspects:
 - (a) As per catena of decisions of Hon'ble Supreme Court, there are mainly 3 factors which are required to be considered by this court i.e. *prima facie* case, availability of Applicant accused at the time of trial and tampering and hampering with the witnesses by the accused.
 - (b) That the learned Advocate for the Applicant has submitted that the Applicant Accused is not likely

to flee away.

- (c) That the Applicant is in custody since 10.12.2022.
- (d) The law laid down by the Hon'ble Apex Court in the case of **Sanjay Chandra v. C.B.I. Reported in (2012) 1 SCC 40.**

7. In the facts and circumstances of the case and considering the nature of allegations made in the FIR and without discussing the evidence in details as well as without going into details, *prima-facie*, this Court is of the opinion that this is a fit case to exercise the discretion to enlarge the applicant on bail. Hence, the application is allowed and the applicant is ordered to be released on bail in connection with the aforesaid FIR, on executing a bond of **Rs.10,000/- (Ten Thousand)** with one surety of the like amount to the satisfaction of the trial Court and subject to the conditions that;

- (a) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the fact of the case so as to dissuade from disclosing such facts to the Court or any Police Officer or tamper with the evidence.
- (b) shall maintain law and order and not to indulge in any criminal activities.
- (c) shall furnish the documentary proof of complete, correct and present address of residence to the Investigating Officer and to the Trial Court at the time of executing the bond and shall not change residence without prior permission of the trial

Court.

- (d) shall provide contact numbers as well as the contact numbers of the sureties before the Trial Court. In case of change in such numbers inform in writing immediately to the trial Court.
 - (e) shall file an affidavit stating immovable properties whether self acquired or ancestral with description, location and present value of such properties before the Trial Court, if any.
 - (f) shall not leave India without prior permission of the Trial Court.
 - (g) surrender passport, if any, to the Trial Court within a week. If accused does not possess passport, shall file an Affidavit to that effect.
 - (h) shall mark presence before the concerned police station once in a month for a period of six months between 11:00 a.m. and 2:00 p.m.
8. The authorities concerned shall 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. 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.
9. At the trial, the concerned trial Court shall not be influenced by the *prima facie* observations made by this Court in the present order.

10. Rule made absolute to the aforesaid extent. Direct service is permitted.

(M. R. MENGDEY,J)

PARMAR CHIRAG

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: PARMAR CHIRAG KANUBHAI(HC02371), ENGLISH STENO GRADE-II, at High Court of Gujarat on 17/02/2026 11:50:51