

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR SUCCESSIVE REGULAR BAIL -
AFTER CHARGESHEET) NO. 1314 of 2026**

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AKASH PARSHOTTAMBHAI PATEL

Versus

DIRECTORATE OF REVENUE INTELLIGENCE (DRI), AHMEDABAD
ZONAL UNIT & ANR.

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Appearance:

MR. I.H.SYED, SENIOR ADVOCATE with MR KEVAL G BRAHMBHATT
(BAROT)(9900) for the Applicant(s) No. 1

MR UTKARSH R SHARMA(6157) for the Respondent(s) No. 1

MR. J.K.SHAH, APP for the Respondent(s) No. 2

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CORAM:HONOURABLE MR. JUSTICE M. R. MENGDEY**Date : 12/08/2026****ORDER**

1. The Applicant has filed this Application under Section 439 of the Indian Penal Code for enlarging the Applicant on Regular Bail in connection with FIR being F.No. D/RI/AZU/GI-02/ENQ-01/NDPS/2024 in Special NDPS Case No. 46 of 2024 pending before the Court of Special Court (under NDPS Act), at Ahmedabad for the offence under Sections 22, 23, 24, 25, 27-A, 28 & 29 read with Section 8(c) of NDPS Act, 1985.

2. Heard learned Senior Advocate Mr. I.H.Syed appearing with learned Advocate Mr. Keval G. Brahmbhatt for the Applicant, learned APP Mr. J.K.shah appearing for the Respondent – State and learned Advocate Mr. Utkarsh R. Sharma appearing on behalf of Respondent No.2 – Directorate of Revenue Intelligence, DRI, Zonal Unit, Ahmedabad.

3. Learned Senior Advocate appearing for the Applicant submitted

that the Applicant has been arrested in connection with the present offence on 18.01.2024 and since then the Applicant is in the custody. The investigation was concluded and the complaint was lodged by the department on 11.7.2024. Though the Applicant has undergone incarceration for a period of more than two years and six months, till date even the charge is not framed against the Applicant by the learned trial court. He further submitted that as per the law laid down by the Apex Court in case of Syed Iftikhar Andrabi v. National Investigation Agency, Jammu – 2026 SCC Online SC 881, when the offence alleged against the accused is serious in nature, it is the duty of the prosecution to conclude the trial expeditiously and it is the right of the accused that he be tried expeditiously for the offence. He therefore submitted to allow the present Application and enlarge the Applicant on bail subject to suitable conditions.

5. Learned Advocate Mr. Utkarsh Sharma appearing for Respondent No.1 – Union of India - The Directorate of Revenue Intelligence, DRI, Zonal Unit, Ahmedabad, has opposed the present Application contending that the present Applicant was a share holder of the company holding 20% of shares. The Applicant is actively involved in hatching the conspiracy for commission of the offence in question. The investigating agency has collected sufficient material against the Applicant to connect him with the present offence. So far as delay in trial is concerned, he submitted that the prosecution is not responsible for the delay caused in the trial. He therefore submitted to dismiss the present Application.

6. Learned APP for the Respondent – State has also opposed the present application for grant of regular bail and submitted that looking to the nature of offence, this Court may not exercise the discretion in favour of the applicant and the Application may be dismissed.

7. Heard learned Advocates appearing for the respective parties. It is the case of the prosecution against the accused in the present case is that the company with which they were associated was having a license to manufacture Hydroxylamine Hydrochloride which is considered to be a precursor for manufacture of Ketamine. It is a contraband substance. It is further the case of prosecution that under the guise of manufacturing Hydroxylamine Hydrochloride, the company i.e. Megashri Agri Pharma Chemical Private Limited was manufacturing Ketamine and the said substance i.e. Ketamine was being exported to Thailand by the company. On the basis of secret information gathered by the Respondents, a shipment as intercepted by the Respondent Authorities. The shipment in question was dispatched by M/s Megashri Agri Pharma Chemical Private Limited to Bangkok Thailand. Upon local examination by the concerned authorities, the shipment was found containing contraband substance of Ketamine.

8. From the record, it appears that the Applicant had invested the amount of Rs.25 Lakhs in the company namely M/s Megashri Agri Pharma Chemical Private Limited and was holding 20% shares of the company. The Applicant used to regularly visit the factory premises of the company. The material available on record also indicates that the Applicant herein was found present at the factory premises when the shipment in question was packed. The present Applicant along with the other co-accused had received the material as regards process for manufacturing of the contraband. The Applicant herein had also remained present in several meetings which had taken place between the accused persons for discussing the modus operandi to be adopted for exporting the consignment of Ketamine to Malaysia and Thailand. The Applicant herein had also received a sizeable amount in his bank account

through cash for the period commencing from 3.04.2021 to 30.11.2023

9. From the bare perusal of the papers of investigation, it appears that the petitioner along with the other co-accused was running a racket for manufacturing and export of the contraband substance under the guise of the product which the company was licensed to manufacture. The quantity of the contraband substance involved in the case is a commercial quantity and therefore the rigours of Section 37 of the NDPS Act would come into play.

10. In view of the aforesaid discussion, no case for exercising discretion in favour of the Applicant is made out. Hence, the Application is dismissed.

(M. R. MENGDEY,J)

J.N.W / SB I/5