

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR SUCCESSIVE REGULAR BAIL -
AFTER CHARGESHEET) NO. 22069 of 2025**

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RAVI KAMLESHBHAI PATEL
Versus
THE UNION OF INDIA & ANR.

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Appearance:
MR. JAL S. UNWALA, SENIOR ADVOCATE C J GOGDA(7488) for the
Applicant(s) No. 1
VIKAS V NAIR(7444) 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
=====**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. DRI/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. Jal S. Unwala appearing with learned Advocate Mr. C.J.GOGDA 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 has submitted that the present Applicant is arraigned as an accused in the

present offence simply because he was a Director of the Company. There is nothing on record nor the papers of investigation indicating any active role being played by the present Applicant in commission of the offence in question. As per the settled law in the absence of any material to show any specific role being played by the Applicant in the offence, he cannot be arraigned as an accused merely because he being a Director of the Company. He further submitted that as per the report of the FSL itself, the percentage of Ketamine found in the samples collected during the raid was 6.9% and 3.5% respectively and therefore it can be gainfully said that the substance was not Ketamine but was Hydroxylamine Hydrochloride. The percentage of Ketamine found in the substance merely because of some chemical reaction. He further submitted that the Applicant has been arrested in connection with the present offence on 17.01.2024 and since then he is in the custody. The Applicant has undergone incarceration for more than two and half years and the trial of the offence has not yet commenced. 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 the Director of the Company and he was involved in day-to-day affairs of the company. The Applicant had played an active role in hatching a conspiracy for committing the present offence. He therefore submitted to dismiss the present Application.

6. Learned APP for the Respondent – State has 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 manufacturing 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 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 was intercepted by the Respondent Authorities. The shipment in question was dispatched by M/s Megashri Agri Pharma Chem Private Limited to Bangkok and Thailand. Upon local examination by the concerned authorities, the shipment was found containing contraband substance of Ketamine.

8. The Applicant herein was the Director of the Company namely M/s Megashri Agri Pharma since July 2023. The material available on record indicates that the other co-accused namely Bharatsinh Kanaksinh Jadeja had shared the process for manufacture of the contraband to the present Applicant. The record also indicates that a meeting had taken place between the present Applicant and the other co-accused namely Nagarajan Darmalingam and other Directors of the Company wherein the co-accused Nagarajan Darmalingam was permitted to remain present in the factory premises of the company. The representative of the said Nagarajan Darmalingam as well as he himself used to remain present and monitor the manufacturing process. It also appears from the record that the negotiations as regards price of the product had also taken place between the present Applicant and the co-accused Nagarajan Darmalingam. The documents as regards the process for manufacturing

of the product was also recovered from the mobile phone of the Applicant and several chats between himself and the other co-accused were also recovered. The payments for the exports made were received by the company from the co-accused Nagarajan Darmalingam through Hawala.

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 / 4