

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR SUCCESSIVE REGULAR BAIL -
AFTER CHARGESHEET) NO. 18839 of 2025**

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KRUNAL SURESH PATEL
Versus
THE UNION OF INDIA & ANR.

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Appearance:

MR. AADITYA D BHATT(8580) for the Applicant(s) No. 1
CHANDNI S JOSHI(9490) for the Applicant(s) No. 1
MR UTKARSH R SHARMA(6157) for the Respondent(s) No. 1,2
MR. J.K.SHAH, APP for the Respondent(s) No. 1,2

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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 Advocate Mr. Aaditya D. Bhatt 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 Advocate appearing for the Applicant submitted that the Applicant herein was working in the company namely M/s Megashri Agri Pharma as a Chemist and it was his duty as a Chemist to monitor the

process of manufacture. The Applicant herein was not aware what was being manufactured and therefore he cannot be held liable for the activities of the company. He further submitted that as per the material available on record, after the seizure of the contraband substance which was stored at the Ahmedabad Air Cargo Complex. As per the provisions of Section 55 of the NDPS Act, the substance was required to be stored with the local police station. The place at which the substance was stored was not a police station and therefore the provisions of Section 55 of the NDPS Act has been violated. He also submitted that various mandatory provisions of the NDPS Act including Section 52(A) have been violated of by the investigating agency and therefore the benefit of the same must go to the present Applicant. He further submitted that the substance namely Hydroxylamine Hydrochloride is exposed to heat which would convert into Ketamine. There are all chances that when the substance in question was stored at the Air Cargo Facility, due to non conducive atmosphere, some chemical reaction must have taken place, because of which the substance of Ketamine may have been found during examination. He further submitted that the Applicant has been arrested in connection with the present offence on 18.01.2024. Thus the Applicant has undergone incarceration for a period of two and half years and still even the charge is not framed against the present Applicant. 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 holding the qualification of B.Sc. Chemistry and was holding the post of a Chemist in the company and therefore he cannot claim that he was not aware about the substance being

manufactured in the factory of the company. 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 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 Cham 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 working in the company as a Chemist. The material available on record indicates that the Applicant was involved in hatching a conspiracy for committing the offence in question. The record also indicates that the process for manufacturing of the substance was also shared to the present Applicant by the other co-accused. Being a Chemist, the Applicant was directly involved with the manufacturing activity of the company.

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/3