

(2025) 12 GUJ CK 1898
In the Gujarat High Court

Case No : R/Special Criminal Application (Quashing) No. 17301 Of 2025

Munafkhan A. Usufjaay & Anr

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision : 26-12-2025

Acts Referred:

Narcotic Drugs And Psychotropic Substances Act, 1985 — Section 8(C), 20(b)(2)(b)
Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 482

Citation : (2025) 12 GUJ CK 1898

Hon'ble Judges : D. M. Vyas, J

Bench : Single Bench

Advocate : Rajan J Patel, Meet Thakkar

Judgement

D. M. Vyas, J

1. Rule. Learned APP Mr. Meet Thakkar waives service of notice of Rule.
2. Heard Learned Advocate for the petitioners. Learned Advocate for the petitioner submitted that the petitioner are practicing advocates and presented the anticipatory bail application before the learned concerned Court. Learned Court has passed the impugned order dated 18.11.2025, found no merits in the case and dismissed the said anticipatory bail application of the original applicant and imposed the heavy cost on the advocates without any reasons.
3. Heard learned Advocate for the petitioners. As submitted that the present petitioner are practicing advocates and filed Criminal Misc. Application No. 1721/2025 before the learned Special Judge (NDPS) (3rd ASJ), Jamnagar for the applicant/accused namely Rajeshbhai Shivshankar Vyas for the offences punishable under Section 8(C), 20(b)(2)(b) of the Narcotic Drugs and Psychotropic Substance Act.
4. Learned Advocate for the petitioner further submitted that the learned Court pleased to reject the said application vide its order dated 18.11.2025 and imposed the cost of Rs. 25,000/- upon learned Advocate Mr. M. A. Usufjaay, and

further ordered to deposit the said amount in Jamnagar Bar Association and also imposed the cost of Rs. 25,000/- upon learned Advocate Mr. Abdul A. Daudivhora, and to deposit the said amount before the Gujarat State Legal Services Authority, High Court of Gujarat, within a period of 4 weeks.

5. Learned Advocate for the petitioners further submitted and refer para- 9 of the impugned order and vehemently argued that the petitioners advocates are not at any fault. It is further submitted that the advocates have filed the anticipatory bail application under the instructions of the accused and not any malafide intention of the practicing advocates and prayed to grant the stay of the impugned order qua the both the advocates / present petitioners only order passed by the learned Court in Criminal Misc. Application No. 1721/2025.

6. Per contra, learned APP submitted that the present petitioners are practicing advocates but both are aware about the facts of the previous anticipatory bail application and also aware about the result of the same. Even though the petitioners have filed the anticipatory bail application which clearly shows the abuse of process of law. It is further submitted that at interim stage, not required to grant any relief in favour of the petitioners.

7. I have gone through the petition, available material on record and considered the contentions of respective parties.

8. Considering the facts and circumstances of the subject matter, it appears that the present petitioners are practicing advocates and filed the Criminal Misc. Application No. 1721/2025 (Anticipatory Bail) under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for the applicant Mr. Rajeshbhai Shivshankar Vyas for the offences punishable under Section 8(C), 20(b)(2)(b) of the Narcotic Drugs and Psychotropic Substance Act, which was dismissed by the learned Court vide its order dated 18.11.2025 and imposed the cost of Rs. 25,000/- upon each advocate.

9. Considering the facts and circumstances of the subject matter, it appears that the present application deserves consideration.

10. In view of above, the impugned order dated 18.11.2025 qua the operative para regarding cost imposed upon the present petitioners only is hereby stayed till then as prayed in para 6(B) of the present application.

11. Direct service is permitted today.

12. Re-list on 30.01.2026.