

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER
CHARGESHEET) NO. 9195 of 2024

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RAMESHBHAI GORJIBHAI SANGOD

Versus

STATE OF GUJARAT

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Appearance:

M S PADALIYA(7406) for the Applicant(s) No. 1

MS.CHETNA SHAH, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE PRANAV TRIVEDI

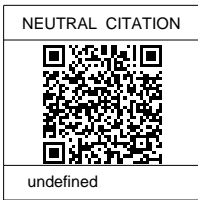
Date : 24/05/2024

ORAL ORDER

[1] **RULE.** Learned Additional Public Prosecutor waives service of notice of Rule on behalf of the respondent- State of Gujarat.

[2] The present application is filed under Section 439 of the Code of Criminal Procedure by the applicant for regular bail in connection with an FIR being Prohibition C.R.No.III-11821025240264 of 2024 registered with Katwara Police Station, District: Dahod for the offences under Sections 65(a), 65(e), 81, 83, 98(2) and 116(B) of the Gujarat Prohibition Act.

[3] Mr. M. S. Padaliya, learned advocate appearing for the applicant has submitted that the applicant is innocent person and is falsely implicated in the commission of alleged offences.



It is submitted that the applicant was not found with the possession of liquor, he has been arraigned as a purchaser of the contraband liquor. It is submitted that applicant is sole bread earner of his family and he has his roots in the community and therefore the applicant is not likely to abscond, if he released on regular bail. Learned advocate Mr. padaliya has also submitted that the investigation is over and charge-sheet has been submitted and therefore, now there is no possibility of the tampering with the evidence and also the accused in judicial custody since 01.03.2024.

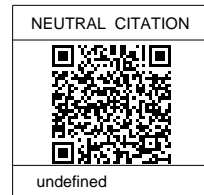
[3.1] Learned advocate for the applicant submits that considering the nature of allegations, role attributed to the applicant, the applicant may be enlarged on regular bail by imposing suitable conditions.

[4] Learned Additional Public Prosecutor appearing on behalf of the respondent-State has opposed grant of regular bail looking to the nature and gravity of the offence.

[5] I have heard learned advocates appearing on behalf of the respective parties. Learned advocates appearing on behalf of the respective parties do not invite reasoned order.

[6] This court has 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 at the time of trial and tampering and hampering with the witnesses by the accused.

(b) That the investigation is over and charge-sheet has been submitted and therefore, now there is no possibility of the tampering with the evidence.

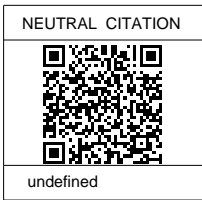
(c) That the learned advocate for the applicant has submitted that the applicant is not likely to flee away.

(d) The role of the present applicant is that of a proposed buyer, and the proposed supplier has already been granted bail.

(e) That the applicant is in custody since 01.03.2024.

(f) 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.**

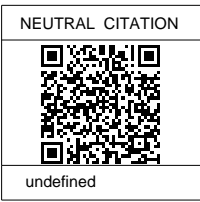
[7] In the facts and circumstances of the case and considering the nature of allegations made against the applicant in the FIR, I am of the opinion that discretion is required to be exercised in favour of the applicant and enlarge the applicant on regular bail. Hence, the present application is allowed and the applicant



is ordered to be released on regular bail in connection with an offence being Prohibition C.R.No.III-11821025240264 of 2024 registered with Katwara Police Station, District: Dahod for the offences under Sections 65(a), 65(e), 81, 83, 98(2) and 116(B) of the Gujarat Prohibition Act, on executing a personal bond of Rs.10,000/- (Rupees Ten Thousand Only) with one surety of the like amount to the satisfaction of the learned Trial Court and subject to the conditions that the applicant shall;

- [a] not take undue advantage of liberty or misuse liberty;
- [b] not act in a manner injurious to the interest of the prosecution;
- [c] surrender passport, if any, to the lower court within a week;
- [d] not leave the State of Gujarat without prior permission of the Sessions Judge concerned;
- [e] mark presence before the concerned Police Station on every Monday of each English calendar month for a period of **three** months and thereafter, alternate Monday for a period of **six** months, between 11:00 a.m. and 2:00 p.m.;
- [f] furnish latest and permanent address of residence to the Investigating Officer and also to the Court at the time of execution of the bond and shall not change the residence without prior permission of this Court;

[8] The Authorities will 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 learned 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. At the trial, learned Trial Court shall not be influenced by the observations of preliminary nature, qua the evidence at this stage, made by this Court while enlarging the applicant on bail.

[9] Rule is made absolute to the aforesaid extent. Direct service is permitted.

(PRANAV TRIVEDI,J)

DHARMENDRA KUMAR