

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - BEFORE CHARGESHEET) NO. 9415 of 2024**

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GHUMSINH @ KUMBHJI @ GHUMSANG S/O. LAXMANSINH ANARJI
VAGHELA
Versus
STATE OF GUJARAT

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Appearance:

MR MOHDDANISH M BAREJIA(10612) for the Applicant(s) No. 1
MR. H.K. PATEL, APP for the Respondent(s) No. 1

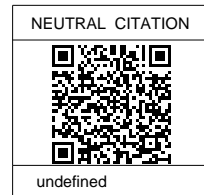
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CORAM:HONOURABLE MS. JUSTICE NISHA M. THAKORE

Date : 16/05/2024

ORAL ORDER

- 1. Rule.** Learned APP waives service of notice of Rule on behalf of respondent-State.
- This application is filed under Section 439 of the Code of Criminal Procedure for regular bail in connection with F.I.R. registered as FIR No. 11192011230610 of 2023 with Bopal Police Station, District Ahmedabad, for the offences punishable under Sections 65(a), 65(e), 98(2), 81 and 83 of the Prohibition Act.
- Learned advocate for the applicant submits that considering the nature of offence, the applicant may be enlarged on regular bail by imposing suitable conditions.
- The learned APP opposes the grant of bail looking to the nature and gravity of offences.



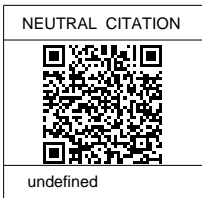
5. Learned advocates appearing on behalf of the respective parties do not press for further reasoned order.

6. Having heard the learned advocates for the respective parties and perused the papers of investigation, I am inclined to exercise discretion in favour of the applicant for the following reasons :

- (a) not named in the FIR;
- (b) not present at the scene of the offence;
- (c) not found on the conspicuous possession of the liquor;
- (d) co-accused have been enlarged on bail;
- (e) no recovery or discovery found at the instance of the present applicant;
- (f) the applicant has participated in the investigation so far.

7. This Court has taken into consideration the law laid down by the Hon'ble Apex Court in the case of **Sanjay Chandra v. Central Bureau of Investigation** reported in **[2012] 1 SCC 40**.

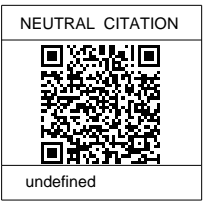
8. In the facts and circumstances of the case and considering the nature of allegations made in the FIR and without discussing the evidence in details as well as without going into details, prima-facie, this Court is of the opinion that this is a fit case to exercise the discretion to enlarge the applicant on bail. Hence, the application is allowed and the applicant is ordered to be released on bail in connection with **FIR No. 11192011230610 of 2023 with Bopal Police Station, District Ahmedabad, for the offences punishable under Sections 65(a), 65(e), 98(2), 81 and 83 of the Prohibition Act, on executing a bond of Rs.10,000/- (Rupees Ten Thousand only) with**



one surety of the like amount to the satisfaction of the trial Court and subject to the conditions that;

- (a) not take undue advantage of liberty or misuse liberty;
- (b) not act in a manner injurious to the interest of the prosecution & shall not obstruct or hamper the police investigation and shall not to play mischief with the evidence collected or yet to be collected by the police;
- (c) surrender passport, if any, to the Trial Court within a week;
- (d) not leave the State of Gujarat without prior permission of the Trial Court concerned;
- (e) mark presence before the concerned Police Station once in a month for a period of six months between 11.00 a.m. and 2.00 p.m.;
- (f) furnish the present address of his 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 Trial Court;

9. 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 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, the 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.



10. Rule made absolute to the aforesaid extent. Direct service is permitted.

SUYASH SRIVASTAVA

(NISHA M. THAKORE,J)