IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION NO. 2302 of 2020

==========

HANIFBHAI MAJIDBHAI TURKI(SIPAI)

Versus

STATE OF GUJARAT

==========

Appearance:
MRS REKHA H KAPADIA(2246) for the Applicant(s) No. 1
MR. MANAN MEHTA, APP for the Respondent(s) No. 1
==========

CORAM: **HONOURABLE MR. JUSTICE B.N. KARIA**

Date : 19/06/2020

ORAL ORDER

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 C.R. No. II-154 of 2019 registered with Sayajiganj Police Station, Dist: Vadodara for the offence punishable under Sections 8(c), 20(b) and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985.

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. It was further submitted by learned advocate for the applicant that there is no antecedent

against the present applicant.

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. Learned APP has verified the affidavit of the Investigating Officer and fairly submitted under the instructions that the present applicant is not involved in such kind of any offence.

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.

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 this is a fit case to exercise the discretion 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 FIR being C.R. No. II-154 of 2019 registered with Sayajiganj Police Station, Dist: Vadodara, 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] 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;

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.

Rule is made absolute to the aforesaid extent

This order be communicated to the applicant through Jail Authorities by the registry as well as learned Sessions Court concerned.

(B.N. KARIA, J)

DHARMENDRA KUMAR